

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

RUTH CALDERON-CARDONA, *et al.*,)
Plaintiffs,)
vs.) Case No.: CV-08-1367 (FAB)
DEMOCRATIC PEOPLE'S REPUBLIC)
OF KOREA, aka NORTH KOREA, *et al.*,)
Defendants.)

TRANSCRIPT OF PROCEEDINGS
DEFAULT TRIAL, DAY TWO
HEARD BEFORE JUDGE FRANCISCO A. BESOSA
ON DECEMBER 3, 2009

A P P E A R A N C E S

For the Plaintiffs:

Manuel San-Juan-DeMartino
Robert Tolchin
Naomi Weinberg

For the Defendants:

Not Present

ROLAYNE M. VOLPE, CCR, RPR
Court Reporter for the U.S. District Court of Puerto Rico
Federal Building, Room 150
San Juan, Puerto Rico 00918
(787) 772-3482

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1 The above-styled cause came on for hearing on
2 the 3rd day of December, 2009, at 9:49 a.m., before Judge
3 Francisco A. Besosa, Judge in the United States District Court
4 for the District of Puerto Rico, when the following proceedings
5 were had and entered of record, to wit:

PROCEEDINGS

DEFAULT TRIAL, DAY TWO

8 THE COURT: Please be seated.

9 Next witness, Mr. San-Juan.

10 MR. SAN-JUAN-DeMARTINO: Yes, your Honor. Out
11 next witness will be Ruth Calderon-Cardona, Plaintiff in this
12 case.

13 THE COURTROOM DEPUTY CLERK: Raise your right hand.

14 (The oath is administered by the Courtroom Deputy
15 Clerk, and the witness answers as follows:)

16 THE WITNESS: Yes.

17 THE COURTROOM DEPUTY CLERK: So help you God. Please
18 be seated.

19 MR. SAN-JUAN-DeMARTINO: May it please the Court?

20 THE COURT: Go ahead.

21 RUTH CALDERON-CARDONA,

22 having been first duly sworn by the Courtroom Deputy Clerk
23 of the Court to tell the truth, the whole truth, and nothing
24 but the truth, was examined and testified upon her oath as
25 follows:

1

DIRECT EXAMINATION

2 BY MR. SAN-JUAN-DeMARTINO:

3 Q Good morning, ma'am.

4 A Good morning.

5 Q I'm going to be asking you a few questions. Please let me
6 know if you don't understand the question.

7 Okay. Please state your full name for the record.

8 A Ruth Calderon-Cardona.

9 Q And how old are you?

10 A Seventy-eight.

11 Q Seventy-eight?

12 A Uh-huh.

13 Q When is your birthday?

14 A May 28.

15 Q Okay. May 28, seventy-eight years ago, that would be, what
16 year, 19-. . .?

17 A -29.

18 Q 1929. Okay. And where do you live?

19 A In Rio Piedras.

20 Q Okay. And I note that you are able to understand English
21 and speak to me in English somewhat?

22 A Uh-huh, yes.

23 Q If you wish to speak in Spanish, feel free to do so.

24 That's why we have the Interpreter.

25 A I prefer Spanish.

1 Q So you can -- if you understand my question, there's no
2 need for a translation; if you need a translation, ask the
3 translator. Okay?

4 A Okay.

5 Q So you live in Rio Piedras, and you were born May 28th,
6 1929?

7 A Yes, correct.

8 Q And where were you born?

9 A Canovanas.

10 MR. SAN-JUAN-DeMARTINO: Your Honor, at this time
11 we offer Exhibit 36; it's the Birth Certificate of Ruth
12 Calderon-Cardona.

13 THE COURT: Admitted as Exhibit 36. Did you say 36,
14 Mr. San-Juan?

15 MR. SAN-JUAN-DeMARTINO: 36.

16 (Birth Certificate of Ruth Calderon-Cardona is marked
17 and admitted as Plaintiffs' Exhibit No. 36.)

18 Q (By Mr. San-Juan-De-Martino) So according to your birth
19 certificate, you were born May of 1929. That means that you're
20 80, not 78; correct?

21 A Uh-huh.

22 Q Understood?

23 A Yes.

24 Q Okay. All right. Now, Ruth, are you retired?

25 A Yes.

1 Q Retired from what?

2 A I was a school supervisor in New York City.

3 Q Okay. For how many years?

4 A Ten years. About ten years.

5 Q And before that, what did you do?

6 A In Puerto Rico.

7 Q Where did you work?

8 A School system.

9 Q Okay. Also as a school supervisor?

10 A Yes, at the school.

11 Q Were you a schoolteacher?

12 A When I first started, I was a schoolteacher.

13 Q Uh-huh.

14 A And then I was -- I continued studying, and I went from
15 teaching to a supervisor.

16 Q Okay. And all-in-all, how many years were you in the -- in
17 this -- as a schoolteacher and as an administrator?

18 A For 20, 25 years.

19 Q Twenty, or 25 years?

20 A Okay.

21 Q When did you retire?

22 A I retired, let's see, three years ago.

23 Q Three years?

24 A Three or four years ago.

25 Q And you were here in Puerto Rico at the time or New York

1 City?

2 A New York City.

3 Q Yesterday we heard testimony from your sister Gloria;
4 correct?

5 A Yes.

6 Q And are you older than Gloria?

7 A Yes, sir.

8 Q And I understand that your father was Carmelo
9 Calderon-Molina?

10 A That's correct.

11 Q And I understand from her testimony that he had some
12 children from his first marriage.

13 A Three.

14 Q And can you describe, if you know, what kind of
15 relationship Don Carmelo had with those children from his first
16 marriage.

17 A Very good relationship. Because they -- even though they
18 were divorced, they used to come to her house frequently.

19 Q Okay. Particularly Don Salvador, what sort of relationship
20 did Carmelo have with his son Salvador?

21 A Very good relationship.

22 Q Did he ever live with your family, Salvador?

23 A Salvador, yes.

24 Q When you were --

25 A When they were young.

1 Q Okay. Did he live with you when you were around as a
2 child?

3 A I was a child at the time.

4 Q Okay. But Salvador was living with you?

5 A Yes.

6 Q Now, yesterday we heard some testimony about your father
7 and the sort of man that he was and the things that he used to
8 do with his family. And we heard testimony, for example, about
9 how he used to play games, odds and even, with the children
10 when he would come home. Did he ever play any other games
11 besides odds and evens with you? You can speak in Spanish if
12 it's easier for you.

13 A Songs with me. He also used to teach us poems.

14 Q Okay. Poems such as? Can you remember any of the poems he
15 used to. . . I know it's been a long time.

16 A It's -- I don't remember the title, but it was about this
17 man who used to get drunk and then going home there was an
18 echo. And it starts -- (Witness recites the poem in Spanish.)
19 And it goes on and on.

20 Q That's very lovely. And how is it that the remember this
21 poem so well?

22 A We all remember it.

23 Q Why? Because your father would make you learn it?

24 A Well, he would sit with us in the porch and he would recite
25 it and we all learned it.

1 Q And you mentioned the singing. Did your father have a good
2 singing voice?

3 A Yes. He belonged to the choir, the church choir. With my
4 mother. They both belonged to the choir.

5 Q So they both sang?

6 A Uh-huh. Yes.

7 Q What was the relationship between your mother and your
8 father like? What did you perceive that to be?

9 A Very good. Very good.

10 Q Okay. Did you think your father was a good husband?

11 A And a good father.

12 Q And a good father?

13 A Uh-huh.

14 Q Now, your sister mentioned the game of odds and evens. Was
15 there some other games that he would play, like board games
16 that he would play with your family at home? Do you remember?

17 A I can't remember. . .

18 Q Like checkers or --

19 A Oh, yes. Yes. "Damas."

20 Q Checkers.

21 A Used to play checkers.

22 Q What about dominoes?

23 A Dominoes, too.

24 Q Okay.

25 A Used to sit in the porch and play.

1 Q Who would he play with?

2 A With my mother and with "yo" -- then we join them.

3 Q Now, you were the oldest of his children from the second
4 marriage, no?

5 A Yes.

6 Q And what was -- Yesterday there was some testimony about
7 how he built the house that you lived in; correct?

8 A Yes. Every house that we lived in, he would build. He was
9 a contractor.

10 Q And I believe that your sister said that sometimes he asked
11 you and the children to help him in the building process?

12 A Oh, yes.

13 Q How was that?

14 A When we built our house, during the days that he was not
15 working, to that -- Saturdays.

16 Q On Saturdays?

17 A Uh-huh. And sometimes Sunday afternoon, because in the
18 morning we used to go to church.

19 Q Uh-huh.

20 A So we used to help, you know, making the concrete.

21 Q Mixing the cement?

22 A Yeah. The cement. You know, mixing the cement with the
23 sand and the stones together.

24 Q Okay.

25 A And we used to help pour it in the buckets.

1 Q Okay. And did you enjoy that sort of thing?

2 A Oh, yes.

3 Q It was you and your brothers and sisters, too?

4 A The oldest ones. The little ones couldn't do it.

5 Q Okay. And so on Saturdays and Sundays you would go to
6 church and spend some time helping your father?

7 A Sundays.

8 Q On Sundays?

9 A Sundays we went to church.

10 Q And what kind of things did your father like to do for fun?

11 A We used to go to the country to visit the family.

12 Q His family?

13 A And my mother's family.

14 Q And where was --

15 A Because they lived in the same area.

16 Q And what area was that?

17 A In Luquillo. It was the -- the name of the country was
18 Juan Martin.

19 Q Yesterday we saw a photograph of your father standing next
20 to a car. Let me just find it for you and put it on the Elmo.
21 So you would go to the country in Luquillo. How often did
22 you go to the country?

23 A We usually went during holidays.

24 Q Uh-huh.

25 A And sometimes on Sundays afternoon.

1 Q Okay. And if I'm not mistaken, the car in this photograph,
2 if you look behind you -- or look on the monitor, it looks to
3 me like a 1968 Pontiac, or something around there. Was that
4 the car that you would drive to the country?

5 A I think so.

6 Q And how many people would go to the country? Would he go
7 with some of the children, or all of the children?

8 A No, we always travelled together. The whole family.

9 Q The whole family?

10 A Yes.

11 Q So it was your mother and your father and all these folks
12 that we see here?

13 A Yes. My mother and other children.

14 Q And you say you would go visit your father's family and
15 your mother's family, too, in Luquillo?

16 A Yes, correct.

17 Q All right. What was your father's attitude towards family?
18 What -- what was his belief about family?

19 A He was always close relationship between his family and my
20 mother's family and us.

21 Q Okay. So you had some cousins and --

22 A Visited our cousin, and nephews, and. . . .

23 Q Did they ever visit your house?

24 A Oh, yes. Some of them -- when they went to study at the
25 university, they would come to live with us.

1 Q Okay. They would come from Luquillo to live with you in
2 the city so they could study --

3 A During the week. And then on Saturdays, they would return
4 home.

5 Q Okay. And how did your father feel about that?

6 A Fine.

7 Q Let me put another picture of your father here up on the
8 screen. Now, I notice that he's wearing the white hat?

9 A He always wore at hat.

10 Q Always wore a hat?

11 A Oh, yes.

12 Q Was that something that you remember from when he was
13 -- when you were a little girl, or was it later on in life when
14 he started to wear that?

15 A No, he wore it all the time. Since I was a little girl.

16 Q Now, did there come a time when you made a decision to
17 leave your home and go live somewhere else?

18 A Okay. I was studying with New York University, because
19 they came to Puerto Rico to give some courses towards a
20 Master's degree, and -- and I enrolled with them. And I took,
21 like, ten credits here.

22 Q Uh-huh.

23 A Because they used to come only during the summer.

24 Q Okay.

25 A And then I had to go and do the internship to New York and

1 finish it.

2 Q And how old were you then?

3 A Well, I was already working by that time.

4 Q Working as what? As a teacher?

5 A As a teacher, yes.

6 Q And when you were working as a teacher, did you continue to
7 live at your mother's and father's home?

8 A Yes.

9 Q But then there came a time when you --

10 A When I decided to go for my Master's degree.

11 Q Okay.

12 A I start here in Puerto Rico, during the summertime, that
13 they used to come here. And then when I finished all the
14 credits that I could take here, then I decided to go and finish
15 over there.

16 Q In New York?

17 A In New York. New York University.

18 Q And did you go by yourself?

19 A Yes.

20 Q Okay.

21 A Not easy.

22 Q Tell me about it.

23 A It was difficult.

24 Q How did your father feel about that, that you going off by
25 yourself to New York?

1 A Not too comfortable.

2 Q No?

3 A No. Because we were very close.

4 Q Okay.

5 A And he used to call me over there, during, and he would
6 call.

7 Q So finally you decided to go to New York, and you went over
8 to -- to get your Master's degree?

9 A Yes.

10 Q Okay. And how long were you in New York -- for how many
11 years?

12 A Well, after I finish, they'd offered me a job, it was a
13 good job. I couldn't resist taking it, so I stayed.

14 Q Okay. And would you --

15 A But I would come to Puerto Rico frequently.

16 Q How frequently?

17 A Every time there was a holiday. I would come for
18 Christmas, summertime, I would come and stay here.

19 Q Uh-huh.

20 A For the whole summer, and then I would go back.

21 Q And when you would come to Puerto Rico, where would you
22 stay?

23 A At my mother's.

24 Q At your mother's house?

25 A Yes.

1 Q There was a place for you there?

2 A Oh, yes. Always.

3 Q And how did you feel when you would return to your home
4 from New York?

5 A Very happy. I used to call my mother and my father every
6 week. Sundays I would call. And sometimes if I felt homesick,
7 I would call -- you know, twice. My mother would say, You
8 spoke to me yesterday; don't spend so much money calling. I
9 said, Ma, don't worry about it. So. . .

10 Q So you would come to Puerto Rico for holidays and every
11 chance you got?

12 A Yes.

13 Q Okay. Now, did there come a time when you learned that
14 your father was contemplating a trip to the Holy Land?

15 A Say that again.

16 Q Did you -- did there come a time when you found out that
17 your father wanted to go to the Holy Land, to Israel?

18 A Yes.

19 Q When did you learn about that?

20 A Well, when I came once, he expressed the desire -- My
21 mother was not too happy about it.

22 Q Why not?

23 A Because she was very afraid of planes.

24 Q Uh-huh.

25 A And every time any member of the family had to take a

1 plane, she would panic. So she was not too happy about it. My
2 father wanted her to go, but she was so afraid of planes.

3 Q And there was testimony yesterday that the doctor said she
4 couldn't go because she had high blood pressure?

5 A By that time, when he decided to take that trip, she was
6 being treated, and the doctor didn't recommend her to go.

7 Q Okay. All right. So you learned that your father was
8 going to go to Jerusalem and the Holy Land.

9 A That was his dream of all -- you know.

10 Q Was this something that he had said before that he wanted
11 to do?

12 A Yes. Really, one of his dreams, to go to the Holy Land.

13 Q All right. And what did you learn about his preparations
14 before he made the trip? What did he do to prepare?

15 A He was very enthusiastic about it because he was -- it was
16 a church group that was going. My brother went with him to
17 help him, you know, with the preparation.

18 Q Which brother?

19 A My youngest brother.

20 Q The one who passed away?

21 A The one who -- who was a policeman. He was killed.

22 Q Miguel Angel?

23 A Miguel, yes.

24 Q So your brother Miguel Angel helped him with the
25 preparation of the trip?

1 A Yes. Everywhere my father had to go, he would go with him.

2 Q Okay. And you were living in New York at the time?

3 A Yes.

4 Q Okay. Did you learn how your father was going to travel to
5 Israel? What the route of his flight was going to be?

6 A I knew that he was going to -- to Israel.

7 Q And how he was going to get there; do you know?

8 A They were -- he had to make a stop in New York.

9 Q Okay.

10 A And when he got to the airport, he called me -- I guess, in
11 the morning. I was getting ready to go to work. He was very
12 happy. And I was very happy to hear his voice. That was a
13 surprise. I didn't expect that call in the morning.

14 Q What did he tell you? What did he tell you?

15 A He just told me -- I asked him about how was the family,
16 and he -- you know, he says everything was okay. And he was
17 very enthusiastic about going on this trip.

18 Q Okay. Was he in New York at the time at the airport?

19 A He called me from the airport. He called me from the
20 airport early in the morning.

21 Q Okay. But it was the airport in New York?

22 A In New York.

23 Q He had already arrived in New York to take his flight to --

24 A That's correct.

25 Q Okay. And that was the last time that you spoke to him?

1 A It was the last time.

2 Q Okay. What happened after that? After you spoke with
3 him --

4 A I was getting ready to go to work, so I went to work.

5 Q Okay. We know that there was news, then, of the massacre.
6 How did you learn of what had happened in the airport in
7 Tel Aviv?

8 A I was at work. And when I went into the office, I noticed
9 that the people in the office were looking at me, you know, in
10 a certain way. I say. . . I did -- I didn't know why. And
11 they already knew. They had heard. What I heard at home
12 before going to work that Carmen Calderon -- My father's name
13 is Carmelo. So I said Carmen Calderon. Well, I have a cousin
14 whose name is Carmen. And I said maybe -- maybe that was my
15 cousin, or somebody else.

16 Q Okay.

17 A So I went to work.

18 Q And then what happened?

19 A And then when I was in the office getting ready to go to
20 one -- one of the school's I supervise, in comes a call, and
21 everybody's looking at me weird and said -- I answered the
22 call. The secretary says -- I was getting ready to go. -- she
23 says: Don't go, there's a call for you. And I said -- It's
24 from Puerto Rico. And I said, Oh, my God. I pick up the
25 phone. And my brother-in-law, who was the one who told me --

1 Q What did he say?

2 A -- he told me that I have to go -- come to Puerto Rico
3 right away because something has happened to my father. So I
4 immediately told my secretary that I was going to leave, and I
5 left. Right away.

6 Q Did you imagine what had happened to your father?

7 A One -- I remember that one of the girls in the office says,
8 Ms. Calderon, I'm going with you. So she came with me.

9 Q Did you imagine, then, that your father had been killed?

10 A No.

11 Q What did you think?

12 A When I got home, I called and then everything -- you know,
13 was told -- I was told what has happened.

14 Q Who did you call?

15 A I talked to Roberto, uh-huh.

16 Q So you spoke to your sisters and --

17 A Uh-huh.

18 Q They told you what had happened?

19 A Immediately. My secretary was the one who made the -- the
20 arrangements to call -- for the tickets and everything. It was
21 -- When I received the -- the notice, I just. . .

22 Q What happened?

23 A Fainted.

24 Q You fainted?

25 A Uh-huh.

1 Q Were you by yourself? Were you alone?

2 A No. No. Because this happened at the office.

3 Q So the people at the office were with you?

4 A Oh, yes.

5 Q And what happened --

6 A And they didn't let me drive. Someone from -- from the
7 office came with me.

8 Q Where did they take you, back to your house? Back to your
9 home?

10 A Yes.

11 Q And they stayed with you?

12 A They stayed with me until -- They were the ones who made
13 all the arrangements, you know, called for the tickets and
14 everything.

15 Q Okay. And you got tickets to come to Puerto Rico?

16 A I picked it up in the airport.

17 Q Did you go that same day to Puerto Rico?

18 A Yes. Immediately.

19 Q Immediately.

20 A Immediately.

21 Q Okay. Did anybody come with you to Puerto Rico?

22 A No.

23 Q I believe there was --

24 A Oh, my sister Lucy, who lived in California at the time --

25 Q Okay.

1 A -- we met at the airport.

2 Q So she --

3 A We flew together.

4 Q She flew from California to New York and you met at the
5 airport?

6 A That's right.

7 Q And then you flew to Puerto Rico?

8 A That's correct.

9 Q How was Lucy taking the news?

10 A She was devastated.

11 Q When you arrived in Puerto Rico, what did you do? What did
12 you do when you arrived to Puerto Rico?

13 A Well, I think that my brother and my brother-in-law, they
14 picked us up.

15 Q Okay. And where did you go?

16 A Well, directly to my mother's house.

17 Q Okay. How was your mother when you -- when you saw her?

18 A She was sedated when I arrived.

19 Q She was sedated?

20 A Oh, yes.

21 Q And were you able to speak to her? Were you able to talk
22 to her?

23 A Yes, she was like -- she was not completely awake, she
24 would talk to me, and then went back, you know, to sleep.

25 Because she was -- she was sedated, so she. . . .

1 Q Okay. Who was there at the house with you?

2 A At the house was Gloria, and the other relatives were
3 there. My brothers and my sisters were there.

4 Q Okay. And what news did you get about what had actually
5 happened to your father? What news did they give you? What
6 did they tell you actually happened to your father?

7 A Well, they were saying that there was a massacre in
8 Tel Aviv at the airport. That was -- everybody was commenting.

9 Q Okay. A massacre?

10 A Yeah. That this man in the airport just started, you know,
11 shooting at the -- at the people. They were passing through
12 the gate.

13 Q Did you ask yourself why this had happened?

14 A Correct.

15 Q What did you -- What were your thoughts?

16 A I just couldn't, you know, figure out why.

17 Q Now, I understand from the testimony yesterday that it took
18 about a week for your father's body to be delivered to --

19 A Long wait.

20 Q It was a long wait. How did it feel to be waiting for --

21 A It was terrible.

22 Q Why?

23 A It was -- you know, this -- this feeling of, you know, when
24 we wanted, you know, to have the body and bury it, and it was
25 just terrible, the wait.

1 Q Okay. This time that you spent waiting, where did you
2 spend it at, at your mother's house?

3 A Oh, at my mother's house. All brothers and sisters, we
4 were there.

5 Q Okay. Of the brothers and sisters, were there any that
6 were more affected than others by what had happened?

7 A At the time we were all very affected by it, so you just
8 can't think clearly.

9 Q What do you mean by that? You can't think clearly?

10 A Because your thoughts are, you know, just waiting when the
11 body will arrive, you know, and it was just devastating.

12 Q Then finally the body did arrive, no?

13 A I remember it was at night. And my brother-in-law -- two
14 brothers-in-law and my brother, they were going to the airport.
15 And I remember I -- I expressed to them that I wanted to go.
16 They said, no, you're not going. They didn't let me go.

17 Q How did you feel about that when they said you couldn't go?

18 A I felt very bad.

19 Q Why?

20 A I wanted to go, but they wouldn't let me.

21 Q Why did you want to go?

22 A Because I wanted to see my father -- as soon as he
23 arrived, you know, at the airport. I wanted to see, you
24 know. . . . The corpse.

25 Q Did you eventually see the corpse?

1 A Oh, yes. Afterwards.

2 Q Why?

3 A Because it was at night that I remember the -- they took it
4 to the -- the next day, because -- went directly to the morgue.

5 Q And was that where you saw your father?

6 A Afterwards, yes. The next day.

7 Q Was that at the church, or in the morgue?

8 A Uh-huh.

9 Q Was it in the church?

10 A As soon as they -- the next day, we went directly to the
11 -- I don't remember exactly if they brought him -- I think
12 first to the morgue and then to the church. I believe.

13 Q Well, let me show you a photograph and help you to refresh
14 your memory. Ruth, let me show you a photograph that has been
15 marked as -- as an exhibit in this case. Do you recognize that
16 person in the photo?

17 A Yes, that's me.

18 Q That's you, right?

19 THE COURT: What exhibit is that, please. The number?

20 MR. SAN-JUAN-DeMARTINO: This will be part of
21 Exhibit 56, your Honor.

22 Q (By Mr. San-Juan-De-Martino) So this is you?

23 A Yes.

24 Q And what are you doing in this photograph?

25 A Excuse me?

1 Q What are you doing here in this photograph?

2 A We're standing by the corpse -- took turns.

3 Q You took turns?

4 A Yes. In standing by the corpse.

5 Q Okay. And this is what you call -- your sister called an
6 honor guard?

7 A Yes.

8 Q How did you feel about standing in the honor guard?

9 A Very sad.

10 Q Ruth, the funeral was held in Luquillo, I understand? The
11 funeral was held in Luquillo?

12 A In Luquillo.

13 Q Is what I understand.

14 And I take it that this body was taken from the church in
15 San Juan all the way to --

16 A -- to Luquillo.

17 Q Was there some sort of memorial service, any kind of a
18 service for him?

19 A We had a service at the cemetery.

20 Q At the cemetery?

21 A (The witness moves head up and down.)

22 Q And I understand he's buried in Luquillo and still remains
23 buried there today?

24 A Yes.

25 Q Do you or anybody in the family visit his grave?

1 A Oh, yes. We go all the time. We clean, you know, the
2 place.

3 Q Who goes?

4 A My sisters and me and brothers, you know. We take turns.

5 Q Okay. And how often do you do it?

6 A Every two months, you know. And we pass by -- if we see
7 the area -- plants growing, in other places we will go in and
8 clean it.

9 Q And you've been doing this since 1972?

10 A Uh-huh. Yes.

11 Q And you still do it? You still do it?

12 A Oh, yes. We go frequently.

13 Q Now, Ruth, we heard testimony yesterday about the -- the
14 sort of man that your father was and his relationship with his
15 family. I ask you if you could tell the Court in what way was
16 the loss of your father? How did it affect the family?

17 A It did affect us tremendously. Especially my mother.

18 Q How did it affect you?

19 A It affected positively in -- Even though we were very
20 close, it made us closer.

21 Q Okay.

22 A And we all cared about our mother.

23 Q How did she manage after he passed away?

24 A She was okay. I guess. You know. My brothers and sister,
25 the ones who lived in Puerto Rico, will be with her, you know,

1 all the time. I used to come even though I was living over
2 there, every holiday. I would come. Ever since I have left
3 because we were very close. So every time there was a holiday,
4 I could just -- I would come for Christmas, I would spend the
5 summer here, and there was like a long weekend, I would also
6 come to visit.

7 Q Now, Ruth, your relationship with your father, your own
8 personal relationship with your father, how would you describe
9 it to the Court?

10 A He was a strong disciplinarian. But he was affectionate.
11 And I remember when we were small, in my house, there was
12 always a rocking chair.

13 Q Uh-huh.

14 A And he will take the smaller sibling on his lap and would
15 tell stories, he would sing songs, he would recite poems, that
16 we still remember.

17 Q What kind of a man would you describe him as?

18 A He was --

19 Q Somebody asked you what was your father like, what would
20 you say?

21 A He was a family man. And was a good father.

22 Q Okay. How do you feel that the loss of your father has
23 affected you?

24 A Wow. Tremendously. It affected all of us tremendously.

25 Q Yesterday we saw some photographs of the scene at the

1 Lod Airport; do you remember that? Had you ever seen those
2 photographs before?

3 A I remember seeing some of them.

4 Q Do you have any thoughts as you viewed those photographs?

5 A It just feel very bad every time. That's one thing that I
6 would like to erase from my mind, you know. I don't like to
7 look at them.

8 MR. SAN-JUAN-DeMARTINO: Okay. Your Honor, at this
9 time we would like to offer the Declaration of Ruth
10 Calderon-Cardona. It would be Exhibit No. 27.

11 (Document is handed to the Judge.)

12 THE COURT: All right. Admitted as Exhibit 27.

13 MR. SAN-JUAN-DeMARTINO: Thank you, your Honor.

14 (Sworn Declaration of Ruth Calderon-Cardona is marked
15 and admitted as Plaintiffs' Exhibit No. 27.)

16 Q (By Mr. San-Juan-De-Martino) Ruth, is there anything else
17 that you would like to tell the Court at this time?

18 A No.

19 MR. SAN-JUAN-DeMARTINO: Thank you that's all I have.

20 THE COURT: Thank you, you are excused.

21 MR. SAN-JUAN-DeMARTINO: Your Honor, our next witness
22 will be Ana Delia Calderon.

23 THE COURTROOM DEPUTY CLERK: Raise your right hand.

24 (The oath is administered by the Courtroom Deputy
25 Clerk, and the witness answers as follows:)

1 THE WITNESS: I do.

2 THE COURTROOM DEPUTY CLERK: So help you God. Please
3 be seated.

4 MR. SAN-JUAN-DeMARTINO: May it please the Court?

5 THE COURT: Go ahead.

6 ANA DELIA CALDERON-CARDONA,

7 having been first duly sworn by the Courtroom Deputy Clerk of
8 the Court to tell the truth, the whole truth, and nothing but
9 the truth, was examined and testified upon her oath as follows:

10 **DIRECT EXAMINATION**

11 **BY MR. SAN-JUAN-DeMARTINO:**

12 Q Good morning, ma'am. Could you please state your full name
13 for the record.

14 A My name is Ana Delia Calderon-Cardona.

15 Q How old are you, ma'am?

16 A Seventy-four.

17 Q What is your civil status?

18 A Married.

19 Q How many years have you been married?

20 A Fifty-two.

21 Q And where do you live?

22 A I live at -- in country club.

23 Q Do you have children?

24 A I have two.

25 Q How old are they?

1 A The boy is 50-something, and the girl is 40-something.

2 Q Okay. Do they live in Puerto Rico?

3 A Yes.

4 Q Okay. Now, how far did you go in school?

5 A I graduated from high school and took a secretary course.

6 Q Did you work as a secretary?

7 A Yes.

8 Q For how many years?

9 A Twenty-something. Twenty-two.

10 Q Okay. And you were also a daughter of Carmelo Calderon-

11 Molina?

12 A Yes.

13 Q And where are you in the birth order?

14 A The fifth child.

15 Q Okay. The fifth child from the children of his second

16 marriage; correct?

17 A Yes.

18 Q Now, tell the Court, if you would, from your own perspective

19 as one of the younger children, what was it like to grow up in

20 the home of Carmelo Calderon-Molina.

21 A Very good.

22 Q Tell us about it. What was it like?

23 A Well, we would play -- weren't at school, we were playing,

24 and we would have chores to do at home, we would have to pick

25 up our toys and put them all in place, and when my dad came

1 home from work, we would let him rest, and then he would be
2 with us before having dinner.

3 Q And when he was with you, what would you do?

4 A He talked to us.

5 Q Okay. You can say it in Spanish better --

6 A Well, he would talk to us, he would always advise us that
7 we'd have to help our mother because he was also working
8 outside, so he would sit with us at the porch and tell us
9 poems, he would teach us poems, sing us songs, mainly hymns,
10 and also tell us stories.

11 Q What kind of stories would he tell you?

12 A Stories when -- of when he was a boy.

13 Q Okay. What else?

14 A He started to work when he was very young. He was the
15 oldest of all his siblings. And all the things that happened
16 to him when he was young.

17 Q And what -- what did you feel for your father when he was
18 telling his stories? When he would sit with you as a child,
19 what were your feelings for him?

20 A Very good.

21 Q And Ana Delia, how -- what kind of a father would you say
22 that your father Carmelo was to you?

23 A If you ask me, the best in the world.

24 Q Why do you say that?

25 A Well, because he was a friend, he was an advisor, he was a

1 good father, a good provider, he would take care of his
2 children.

3 Q In what way do you feel that he took care of you?

4 A Well, he would buy us everything -- Well, he would give our
5 mother money for her to buy us things. If he saw something
6 that he liked, he would bring it to the children, the younger
7 children, and always take us out.

8 Q Were you ever -- Did you ever feel afraid of your father?

9 A Never.

10 Q You said he was strict. He was a disciplinarian, no?

11 A Oh, yes. Yes.

12 Q But --

13 A But loving.

14 Q Now, we heard testimony yesterday about the kind of things
15 that he liked to do. He would sing songs. Was he a spiritual
16 man? Did he have strong spiritual beliefs?

17 A (The witness moves head up and down.)

18 Q How do you know?

19 A Because the father he was.

20 Q But what would he do and say that suggested to you that --

21 A Well, it was like, the other neighborhoods, who would fight
22 at home or speak loudly, I mean he did scold us when we needed
23 to be scolded. We did get the belt when we needed to get the
24 belt. But he didn't mistreat us. And he would sing. He
25 mostly would sing hymns.

1 Q Was there any other children that would misbehave more than
2 the others?

3 A Don't make me tell you.

4 Q You can tell us. You can tell us.

5 A I don't remember.

6 Q Remember that you're under oath. It wasn't you?

7 A Maybe.

8 Q Okay. Ana Delia, let me ask you some questions now about
9 your father and during the time before he went to the trip from
10 which he did not return. At that time, were you living here in
11 Puerto Rico?

12 A Yes.

13 Q Okay. And what was your relationship like with your father
14 at that time?

15 A Very good.

16 Q Okay. And we heard that he's very enthusiastic about going
17 on the trip.

18 A Yes.

19 Q And did you participate in any way of the planning for this
20 trip?

21 A No.

22 Q Okay. What did you learn, if anything, about his interest
23 in this trip?

24 A Well, he always wanted to take a trip to Jerusalem to the
25 land where Lord Jesus Christ walked. That was his dream.

1 Q Okay. And did you have a chance to say good-bye before he
2 left on the trip?

3 A I didn't want to go and say good-bye to him.

4 Q Why not?

5 A I don't know. But I've never liked good-byes.

6 Q Okay.

7 A And I told him days before that -- Dad, I'm not going to
8 say good-bye to you.

9 Q Now, as you sit here today, how do you feel about that --
10 that you never said bye to your father?

11 A Very bad. Very bad.

12 Q Now, we've heard testimony about the news reports that were
13 given about the massacre at the airport. Tell the Court how it
14 was that you learned about the massacre at the airport.

15 A Well, I was on my way to the office and the driver turned
16 on the radio -- and listening to the radio, and I said, Oh,
17 thank God. That's not dad. That's Carmen. Because my dad is
18 Carmelo. The driver said, Yes, yes, I heard it. I said, No,
19 that's not my father. And when I got to the office, there's a
20 lot of people at the office, which was weird.

21 Q Okay. So there was a lot of people at the office, and then
22 what happened?

23 A The driver told me that maybe I should call home. I asked
24 him, Why? And he repeated, You should call at home. I called
25 my mother's home, and Papo answered.

1 Q Who do you mean?

2 A My brother.

3 Q Is your brother here in court?

4 A Yes.

5 Q And that's Jose Raul?

6 A Jose Raul.

7 Q And Papo answered then, and what did he answer then?

8 A I asked him, Papo, you listening to the news? And he said
9 Yes, Ana Delia. And I told him, Papo, that it's good that it's
10 not dad; right?

11 And he told me told me, Yes, Ana Delia? I said, Yes what?
12 Yes, it is dad.

13 Q So he had told you that it had been your father?

14 A Yes.

15 Q How did you feel at that moment?

16 A Very, very bad.

17 Q What did you do?

18 A I asked the driver to bring me back -- to take me to my
19 mother's home.

20 Q Did he do so?

21 A Yes.

22 Q So you went to your mother's home?

23 A Yes.

24 Q What did you find when you got to your mother's home?

25 A I immediately went to the room, and I saw my mother that

1 was sleeping, I thought that she was sleeping. She was lying
2 in bed.

3 Q What happened then?

4 A Gloria told me, No, she's not sleeping, she's sedated. She
5 took me out of the room.

6 Q Then what happened?

7 A Well, I was sort of like walking on air. I didn't even
8 know -- Well, I immediately called my husband, and I told him
9 to take me home so I could tell the children.

10 Q How old were your children at that time?

11 A Well, my son, he wanted to go where they were, to pay him
12 back.

13 Q To pay who back?

14 A The ones who did that to his grandfather.

15 Q How old was that boy?

16 A Fifteen.

17 Q So you told your children what had happened?

18 A Yes, sir.

19 Q Now, we've heard testimony about how there was a long wait
20 for your father's body to come. How did you feel about that?

21 A Horrible. Horrible.

22 Q Why was it horrible?

23 A Well, because he wanted -- I mean, he wanted to know about
24 my father. I mean, I didn't know anything. About any -- where
25 had he been wounded, if he was complete, or -- I just wanted to

1 see my father. I asked God to please see my father again, and
2 thank the Lord he granted me that.

3 Q We've heard testimony that there was many people at your
4 mother's house during the course of that week. How was your
5 mother holding up during that week that she waited?

6 A Well, she was almost always under sedation because she had
7 a heart condition and her blood pressure shot up during those
8 days, so the doctor was almost always going to see her, if not
9 every day, I mean, Gloria knows, she was the one that was
10 living with her.

11 Q All right. And when your father's body finally arrived,
12 did you go to the airport to pick it up?

13 A No.

14 Q When was it that you saw your father?

15 A At church.

16 Q At the church. And were you afraid to see your father?

17 A No.

18 Q How did you feel when you saw him?

19 A Sad.

20 Q What did you do when you saw him?

21 A Cried. Cry, cry, and cry and cry.

22 Q Did you touch him?

23 A (The witness moves head from side to side.)

24 Q Ana Delia?

25 A No. No.

1 Q Did you come close to him?

2 A Yes.

3 Q And Ana Delia, after your father was buried, did you visit
4 his grave on occasion?

5 A (The witness moves head up and down.)

6 Q You have to answer out loud.

7 A Yes. Yes, sir.

8 Q Did you help to clean his grave as your sister described?

9 A Sometimes.

10 Q Okay. Now, Ana Delia, are there times during the year that
11 you remember your father? Any particular times?

12 A May 30th.

13 Q The anniversary of his death?

14 A When he died. Specifically. But almost every day, I
15 remember him.

16 Q It has been now 37 years since he died?

17 A Thirty-seven years.

18 Q Do you feel like you've been able to overcome his loss?

19 A Only God will tell, because, no. It's too strong a pain.
20 Now it's a little bit with time.

21 Q Okay.

22 A But strong. It's always strong.

23 Q Now, Ana Delia, how do you feel about having to come to
24 court and talk about these things?

25 A Not very good, because looking at the pictures and

1 remembering, it's painful not to have him here with us.

2 Q How do you feel about your children not being able to have
3 their grandfather?

4 A They always go with us to the grave, and I have pictures
5 that they see him.

6 Q Ana Delia, is there anything more that you would like to
7 tell the Court about your loss?

8 A May God forgive the ones who did this. And -- Well, and I
9 wouldn't want anybody, anybody in the world to suffer or to go
10 through what we went -- what his daughters had to go through.

11 MR. SAN-JUAN-DeMARTINO: Thank you, Ana Delia.

12 At this time, your Honor, we would offer Ana Delia's
13 Declaration as Exhibit 22, as well as her birth certificate as
14 Exhibit No. 30.

15 THE COURT: Admitted as Exhibits 22, the statement,
16 and 30, the birth certificate.

17 (Sworn Declaration of Ana Delia Calderon-Cardona is
18 marked and admitted as Plaintiffs' Exhibit No. 22.)

19 (Birth Certificate of Ana Delia Calderon-Cardona is
20 marked and admitted as Plaintiffs' Exhibit No. 30.)

21 MR. SAN-JUAN-DeMARTINO: Thank you, your Honor. I
22 have no further questions of the witness.

23 THE COURT: Thank you, Ana Delia. You're excused.

24 Can we take a ten-minute break?

25 MR. SAN-JUAN-DeMARTINO: Sure. Thank you.

1 COURT SECURITY OFFICER: All rise.

2 (A break is taken from 10:56 a.m. until 11:17 a.m.; at
3 which time, the proceedings continue as follows:)

4 MR. SAN-JUAN-DeMARTINO: Your Honor, may it please the
5 Court. Our next witness will be Hilda Calderon.

6 THE COURTROOM DEPUTY CLERK: Raise your right hand,
7 please.

8 (The oath is administered by the Courtroom Deputy
9 Clerk, and the witness answers as follows:)

10 THE WITNESS: Yes, I do.

11 THE COURTROOM DEPUTY CLERK: So help you God. Please
12 be seated.

13 MR. SAN-JUAN-DeMARTINO: May it please the Court?

14 THE COURT: Go ahead.

15 HILDA ELADIA CALDERON-CARDONA,

16 having been first duly sworn by the Courtroom Deputy Clerk of
17 the Court to tell the truth, the whole truth, and nothing but
18 the truth, was examined and testified upon her oath as follows:

19 DIRECT EXAMINATION

20 **BY MR. SAN-JUAN-DeMARTINO:**

21 Q Madam, could you please state your full name for the
22 record.

23 A My name is Hilda Eladia Calderon-Cardona.

24 Q How old are you, Hilda?

25 A I'm 69.

1 Q And are you retired?

2 A Well, yes, I'm retired, but I almost never worked because
3 my husband didn't let me work.

4 Q Oh, okay. And are you still married?

5 A No. My husband died.

6 Q And do you have any children?

7 A Yes. I have three daughters.

8 Q Okay. And where are you in the birth order in relation to
9 your family?

10 A I'm the sixth child.

11 Q Okay. So you come after Ana Delia?

12 A Yes, sir.

13 Q Now, you've heard the testimony during the course of this
14 trial about your family life that your family had back when you
15 were all children. Is there anything that you would like to
16 add to that? Anything that you think is missing?

17 A Well, I remember Saturdays, and I would go weekly to -- to
18 my father's home, and there my -- go there with my daughters,
19 and my father would pick up my youngest daughter, she was a
20 year old -- three years old at that time, and he called her
21 Chispita, and he would raise her up in his arms, and she would
22 be very happy.

23 Q Your father enjoyed his relationship with his
24 grandchildren?

25 A Yes, sir.

1 Q What sort of a grandfather was he?

2 A He was a loving grandfather. He loved to play with them.

3 Q And how would you describe your own relationship with your
4 father?

5 A Well, he was very affectionate. He would play with us.
6 And -- and on Saturdays, he would sit on the porch and would
7 talk -- even while -- when we were married, he would sit on the
8 porch on Saturdays and talk and remembering things from our
9 past. And even married, we'd go out together as a group. Go
10 to the countryside to visit family. And it was a very close
11 relationship.

12 Q Now, we've heard testimony about what it was like at
13 Christmastime at your house when you were a young woman, or a
14 girl. Tell us about that. How was it -- Do you have good
15 memories of Christmas when you were a child?

16 A Well, yes, magnificent memories. I mean, we received the
17 New Year -- Well, first Christmas. We had Christmas dinner,
18 all of us together. We'd also be together receiving the New
19 Year. Because I was born December 31st, so we celebrated with
20 the neighbors. That was just a party in general. And we
21 usually -- during the week, he would go to bed early, but that
22 day, he would be up all night with us celebrating.

23 Q Hilda, do you remember the last time you saw your father?

24 A Yes, sir.

25 Q Can you tell the Court about it.

1 A Well, it was the week before. It was a Saturday. It was
2 the day before. Said good-bye to him, because my sister was
3 going to take him to the airport, and my two oldest girls were
4 in school, and I had to take them to school.

5 Q And how was he feeling that day that -- last time that you
6 saw him?

7 A Happy. He was happy because he was going to the place that
8 he had always wanted to go to.

9 Q Okay. Hilda, how did you learn about what had happened to
10 him?

11 A My brother-in-law Rafael, Gloria's husband, went to tell
12 me.

13 Q What did he tell you?

14 A Well, he told me what had happened. He mentioned to me
15 what had happened.

16 Q And what did he tell you; that your father had died?

17 A Yes, sir.

18 Q And how did you feel at that time?

19 A Devastated. Well, I -- Immediately, I -- that day I think
20 my husband was at home. I left the children with him, and I
21 -- without even knowing what I was doing, I went to my mother's
22 house.

23 Q What happened then?

24 A Well, I arrived, and Gloria was with her in the room, and
25 the first thing that she told me, You can't cry. You can't

1 cry. Remember that mom has a heart condition, so you have to
2 calm down. By that time mom had already been sedated because
3 the doctor had come to the house.

4 Q And were you able to do that, not cry?

5 A Impossible.

6 Q So did you stay there that day?

7 A Until the afternoon.

8 Q And you heard testimony here about the -- how friends and
9 family came to the house and the house filled up with the
10 people over the course of that week. What was it like to wait
11 for your father's body to be delivered during that week?

12 A Terrible. Because what comes to mind is that you don't
13 know how that body is going to arrive. I mean, what happened?
14 You know that -- that he's dead, but you don't know how the
15 cadaver is going to arrive, so it was a wait that was full of
16 anguish.

17 Q When your father finally arrived in Puerto Rico, the body
18 arrived, did you go to the airport to pick it up?

19 A No, we didn't go because the men in the family didn't want
20 any of the women in the family to go.

21 Q And did you eventually see your father's body?

22 A Of course, I did.

23 Q And what did you do when you saw your father?

24 A What am I going to do, but cry?

25 Q Did you touch him?

1 A Yes, sir.

2 Q Hilda, do you remember your father's funeral?

3 A Yes, sir.

4 Q Do you remember driving in the car from San Juan to
5 Luquillo?

6 A No, I didn't drive. I wouldn't -- I wasn't allowed to
7 drive.

8 Q Somebody drove you?

9 A Yes, sir.

10 Q Tell the Court what was it like. Were there a lot of
11 people there? What happened?

12 A Well, it was something -- when you looked back, because it
13 was in Luquillo, so going towards Luquillo when you look back,
14 you would just see that long line of cars behind us. So it was
15 something that was very big. It was something that was very
16 emotional for us. And when we arrived at the cemetery, there
17 was no parking because it was completely full.

18 Q What did you do after the funeral?

19 A Well, after the funeral, I -- since my daughters were
20 young, I went home, because I hadn't slept for several days.
21 So with my daughters.

22 Q You hadn't slept since your father's body had arrived?

23 A Well, yes, we slept, but it's not the same. I mean, it's
24 not the same that you -- you sleep, but you have something in
25 mind that something hasn't arrived.

1 Q How was your mother at the funeral? Was she still under
2 sedation?

3 A Yes, she was still under sedation since she had a heart
4 condition. She had to be under sedation because strong
5 emotions could cause a heart attack.

6 Q Okay. Now, I want you to think back to that year, 1972,
7 after your father had died. In comparison to other years
8 during the Christmas holidays, how was it?

9 A Sad. Very, very sad. Everybody crying. Remembering our
10 father who was no longer with us.

11 Q And in the following Christmases after that, did you always
12 remember your father?

13 A Of course, we did. It was impossible -- it is impossible
14 to forget him.

15 Q Hilda, what about your children; what did you tell your
16 children about their grandfather?

17 A Well, the eldest ones remember him because they were in
18 first or second grade -- they were in first and second grade;
19 but the younger, I explained how he was with them, the things
20 that he would do with them.

21 Q You wish that they would have had a chance to know their
22 grandfather a little bit better?

23 A Well, of course. Because he was a great example for all of
24 us.

25 Q Okay. Now, can you tell us, if you will, how it was that

1 the death of your father changed your life.

2 A Well, it changed in certain way in -- holidays, the
3 holidays weren't the same. He wasn't -- Without him, so he
4 wasn't there anymore. Saturdays -- that I would go every
5 Saturday, I would go to -- Saturday home, it wasn't the same
6 without him. So it's -- it's a very hard feeling knowing that
7 somebody that's no longer with you.

8 Q What about your mother? Was there a difference in the way
9 your mother was before he died and the way she was after he
10 died?

11 A Well, with us she was the same, but the first year, she was
12 always sad.

13 Q What do you mean she was always sad? Why do you say she
14 was always sad?

15 A Well, because of the loss of our father that she would
16 always remember him in conversations. There was always
17 something to remind her of him. There were -- sometimes we
18 wouldn't even speak of him, so she wouldn't get sad.

19 Q Okay. It's been 37 years since your father passed away,
20 how do you feel about it now, today?

21 A Well, the loss of a loved one is something that's very
22 -- something that -- can't be repaired. Something that you
23 feel, that void there. It's something -- it -- it -- that you
24 can't fill that void because of the loss of that loved one?

25 Q You mentioned something about the way that he died. What

1 was it about the way that he died that makes a difference to
2 you?

3 A Well, he wasn't sick. He was healthy. And he was happy
4 that he was taking that trip, and he died -- he died in a way
5 that nobody would want to die that way.

6 Q Yesterday we saw some photographs of the scene at
7 Lod Airport after the massacre. Had you ever seen those
8 photographs before?

9 A No, sir.

10 Q What were your thoughts as you viewed those photographs?

11 A Well, it was as if I was seeing a movie. It was as if I
12 was seeing a movie, one of these horror films, or action films.

13 Q But you know that it's not a movie, it's real?

14 A It's real. And it's sad. And that I wouldn't want this
15 for anybody to -- that this would happen to anybody's father
16 that -- for anybody to have to go through this?

17 Q Hilda, you had a brother Miguel Angel, no?

18 A Yes, sir.

19 Q And he died, as well?

20 A Yes, sir.

21 Q How was it that he died?

22 A The same way that our father died.

23 Q He was a police officer?

24 A Yes. Yes, sir.

25 Q And can you tell the Court how the loss of your father

1 affected Miguel Angel.

2 A Well, it affected him most because he was the youngest,
3 then, and he was living with my father and mother at the time
4 that he died.

5 Q When you say affected him the most, how did it change his
6 life?

7 A Well, he was very happy, and he was the one that -- he
8 would be the one that would bring life to the parties. And of
9 all the siblings, since he was the youngest, he was the one
10 that sort of would give life to the house. And after that,
11 well, he wasn't the same. After it, he wasn't the same.

12 Q Thank you, Hilda.

13 MR. SAN-JUAN-DeMARTINO: Your Honor, at this time we
14 would offer as Exhibits, as Exhibit 24, the Declaration of
15 Hilda Calderon-Cardona, and as Exhibit 32, the birth
16 certificate of Hilda Calderon-Cardona.

17 And we have no further questions.

18 THE COURT: All right. Ms. Calderon, you're excused.
19 Thank you very much.

20 (Sworn Declaration of Hilda Calderon-Cardona is marked
21 and admitted as Exhibit No. 24.)

22 (Birth Certificate of Hilda Calderon-Cardona is marked
23 and admitted as Exhibit No. 32.)

24 MR. SAN-JUAN-DeMARTINO: And, your Honor, our next
25 witness will be Lucy Calderon-Cardona.

1 THE COURTROOM DEPUTY CLERK: Raise your right hand
2 (The oath is administered by the Courtroom Deputy
3 Clerk, and the witness answers as follows:)

4 THE WITNESS: I swear.

5 THE COURTROOM DEPUTY CLERK: So help you God. Please
6 be seated.

7 MR. SAN-JUAN-DeMARTINO: May it please the Court?

8 THE COURT: Go ahead.

9 **LUZ FRANCISCA CALDERON-CARDONA,**
10 having been first duly sworn by the Courtroom Deputy Clerk of
11 the Court to tell the truth, the whole truth, and nothing but
12 the truth, was examined and testified upon her oath as follows:

13 **DIRECT EXAMINATION**

14 **BY MR. SAN-JUAN-DeMARTINO:**

15 Q Good morning, Lucy.

16 A Good morning.

17 Q Could you please state your full name for the record.

18 A Luz Francisca Calderon-Cardona.

19 Q And I understand that your family calls you Lucy?

20 A Lucy. And my mother used to call me Lou-la. And also my
21 father.

22 Q Okay. How old are you?

23 A Seventy-eight.

24 Q So you are two years younger than Ruth?

25 A Year and a half. Year and a half because I was born

1 December the 5th. I couldn't -- my birth certificate being
2 December, so that was in -- the 30th.

3 Q So your birthday is the day after tomorrow?

4 A Yes, that's right.

5 Q All right.

6 MR. SAN-JUAN-DeMARTINO: We might as well offer
7 Luz Calderon's birth certificate. It will be Exhibit 37.

8 (Birth Certificate of Luz Francisca Calderon-Cardona
9 is marked and admitted as Plaintiffs' Exhibit No. 37.)

10 Q (By Mr. San-Juan-De-Martino) Now, Lucy, are you retired?
11 A Retired.

12 Q And retired from what?

13 A Well, I was a secretary. I worked for the Telefonica
14 overseas, and then I worked at home.

15 THE COURT: That's when she really worked.

16 Q (By Mr. San-Juan-De-Martino) Now, Lucy, were you ever
17 married?

18 A Separated.

19 Q Okay.

20 A I'm still married.

21 Q You're still married. Separated since when?

22 A Twenty years ago. But I haven't divorced.

23 Q Okay. And how far did you go in school?

24 A I graduated from high school, and I took then courses
25 for -- to become a secretary, and then courses for Telefonica.

1 Q Now, we heard testimony during the course of this trial of
2 what your family life was like when you were a child, from your
3 sisters; is there anything that you would like to add?
4 Anything that you would like to clarify?

5 A Well, I remember very lovingly how Ruth, Luis, Gloria, and
6 I, who are the oldest, every time there was a baby born at
7 home, because there was always a baby at home, there was such
8 little time between each one of us, that my dad would come out
9 with the baby after it was bathed, he would come out of the
10 room, because my mother never had a baby in a hospital, she
11 always had the eight kids at home with a midwife, and he would
12 take the new baby boy or girl, he would put the baby in our
13 arms, and -- each one of our arms and say, This is your new
14 sister or brother. You have to love him very much, and you
15 have to take care of him.

16 Q What else would you like to add, if anything, about your
17 family life and children?

18 A Well, that he would teach us games. He would teach us the
19 game of the ball and the hole meaning --

20 THE COURT: Marbles.

21 THE INTERPRETER: Interpreter stands corrected.

22 A Teach us marbles with the small crystal ball. He would
23 teach us to play those games. You see, since we daughters are
24 the oldest, Luis was the youngest, he was a boy, he wouldn't
25 allow him to play with dolls, so we couldn't play with dolls

1 with him, so we were taught -- he would teaches all boys'
2 games. So there is -- there still is an agoya (phonetic) tree
3 which has some seeds which he -- he would drill a hole in the
4 middle and with a string, and the game was to -- well, to kill
5 the other on, to break up the other one. And he would teach us
6 all the games that boys play, so that we could spend time with
7 him, so we could play with Luis.

8 Q Did you spend a lot of time playing with your father?

9 A Well, yes. He was the one who taught us to play baseball,
10 he would buy us bats and gloves so we could play with them. So
11 he also taught us those games.

12 Q And I understand that you also played board games at home?

13 A Well, yes, we would play board games. He would teach us
14 board games and almost all of them were of four people. They
15 were played in couples, like dominos; and he -- of course, he
16 would always win. He knew how to play dominos very well. We
17 would play checkers, we would also play nista (phonetic) which
18 are Spanish cards. You play those between four people. And
19 there's singles that you gave out if you have the top card,
20 which is the one that's worth ten or three, and if you're
21 playing couples, we almost always played with mom, then he --
22 Hilda would know where the singles were, and say, Hey, dad, why
23 are you winking at mom?

24 Q Now, we've heard testimony here that your father was a
25 builder and he built the house that you lived in. That he

1 built houses for other people. What did he tell you about the
2 things that he built?

3 A Well, he would tell us stories. Because he started working
4 when he was very young, and he built roads here, he built
5 bridges here, he built El Yunque -- Well, I mean, El Yunque was
6 already there, but he built the road that goes up to El Yunque.
7 The stone house that's there --

8 I don't know if it still exists there, well, he built
9 it.

10 -- he would tell us how they would take the materials
11 up El Yunque, the cement, the stone, how they would bring the
12 materials up there. You couldn't do it in a car. That you had
13 to use a carriage, and the carriage would go up to a certain
14 point, and from that point to the top, then up to where the
15 stone house is, then it had to be on your back.

16 Q Now, let's see --

17 A My father was very strong.

18 Q You've heard testimony that at some point you lived in
19 California?

20 A I got married in New York, and after some time, I went with
21 my husband's family to California. His family lived there.
22 And my family in Puerto Rico, my husband he didn't know
23 Spanish, he would visit with me every year in Puerto Rico, the
24 summertime, during Christmastime, he liked Puerto Rico, but not
25 to live in Puerto Rico. He liked the Christmastime because of

1 the "parandas" (phonetic) and because the house would just fill
2 up with people. But his family lives in California so -- and
3 his family was small, so I followed him to California.

4 Q Now, in 1971, you were living in California; correct?

5 A Yes.

6 Q And the last time you saw your father was Christmas of
7 1971?

8 A Yes. Yes, he died in summertime. And as of that time, he
9 hadn't come to Puerto Rico.

10 Q But you came to Puerto Rico for Christmas of 1971?

11 A Yes.

12 Q And during that time, did you have a chance to spend time
13 with your father?

14 A Yes.

15 Q Okay. And between Christmas of 1971 and May of 1972, did
16 you have a chance to speak to your father?

17 A On the phone. Because I would always call my mother at the
18 house, and he was always with her. That was in the afternoons.

19 Q Did you learn that your father had plans to go to the Holy
20 Land.

21 A Well, that was his life's dream. He would always tell us
22 that before he died he wanted to see the land that Jesus
23 walked, and that he wanted to do that before he died. And he
24 never got an opportunity to see it because that happened at the
25 airport.

1 Q Lucy, tell the Court how it was that you learned about what
2 had happened to your father. Where were you?

3 A Well, I got a call from Delia's house -- from Tito -- we
4 were sleeping because there was difference of three to four
5 hours. Well, because from the summertime to the winter, it
6 changes one hour. So Tito was the one who told me. He told me
7 that the -- that this was being transmitted from the news in
8 every part of the world, through the TV, radio, anywhere with
9 communications, and he told me to turn on the TV and that an
10 accident had happened at the airport in Tel Aviv.

11 Q And what else did he tell you? Did he tell you that your
12 father had died?

13 A Well, he -- he didn't tell me like that. He told me that
14 they were saying that something happened in Don Carmelo. And
15 when I turned the TV on, they were mentioning Carmen Calderon.
16 And that wasn't my father. But Tito spoke to my husband and
17 told him and then Bernie told me, but I couldn't believe it. I
18 mean, that was when my father had been the healthiest. My
19 mother wouldn't let him -- Well, she told him, you don't have
20 to kill yourself that much -- you don't have to work that much.
21 You're killing yourself. Since we're all married now, then my
22 father didn't have to work that much -- as much as he had done
23 when he was raising us.

24 Q So your husband Bernie told you what had happened to your
25 father?

1 A Yes, he was the one who told me.

2 Q And you testified that you couldn't believe it?

3 A Well, I couldn't believe him because it was the healthiest
4 my father had been. He even gained some weight. He even
5 looked younger.

6 Q So what did you do when you learned of this?

7 A Well, I felt very confused. I couldn't think. I couldn't
8 believe what was happening. And I don't know very well if it
9 was -- if I called Ruth or if it was Bernie, my husband, who
10 called her. Because I immediately thought, "if that happened
11 to dad, then how's mom?" Because I knew she had a heart
12 condition, and I thought that something might happen to her.
13 So I told my husband that I -- immediately, that I was leaving
14 quickly. And I took the girl, who was four years old when that
15 happened, and we went to the airport, and Bernie, he -- he
16 spoke to somebody there, and I got a ticket, and I -- and I
17 left. And Ruth was waiting for me -- she waited for me at the
18 airport in New York. And then we come back -- the same flight.
19 When we get home, there was a lot of people in the house. And
20 I want to see momma right away, because -- because my mother
21 was -- Well, my mother was lying down, and she was under
22 sedation. Her doctor put her under sedation, and he was the
23 one who would be checking on her constantly because her
24 pressure had been -- had -- was raised very much, and she
25 almost couldn't open her eyes. And she spoke to me and told

1 me, Lucy, he's gone. He's gone. And I tried -- I tried to
2 console her, I tried to be strong and to tell her, Mom, you're
3 all that we have left. You can't fail us. You have to be
4 strong.

5 Q Now, we've heard testimony here about how you waited for a
6 week for your father's body to arrive in Puerto Rico. And how
7 there was a wake and a funeral. Is there anything that you
8 would like to add to the testimony that we've already heard?

9 A Well, just that there were so many people that they almost
10 wouldn't let us rest. I mean, there would be always somebody
11 there who would come and stay almost to the next day. My dad
12 was known by so many people. He would visit so many different
13 churches, and all the churches would be sending people to give
14 service to us. And many would stay until the next day. It's
15 just the house was always so full of people. My dad and my mom
16 lived in upstairs and Gloria and the girls lived downstairs.
17 And the stairs were full of people; the sidewalk was full of
18 people. It was just that there were so many people there. The
19 church -- the church that -- that he used to go to, from in
20 Villa Prades, well, my father built that church, he built that
21 house, and my mother told me that in the basement of that
22 church, there was a metal box right in the middle that had his
23 name and the name of the pastor who brought ministry in that
24 church at that time, who now is also deceased.

25 Q Now, Lucy, your brother Salvador and Luis are not here with

1 us today. Can you tell the Court a little bit about how they
2 suffered the death of your father.

3 A How did they find out Salvador lived in Puerto Rico. How
4 did they find out?

5 Q Let's talk about Salvador first. Salvador, how did he
6 suffer the loss of his father?

7 A Well, Salvador -- Well, my father had three children from
8 his first marriage. And Salvador was more of the family man.
9 The rest were -- and Salvador was very close to dad. He would
10 always visit him at home, and we had a lot of love for
11 Salvador. We have a lot of love for Salvador. And Salvador
12 lived in New York with his family, but he moved to Puerto Rico
13 with his family. When he moved to Puerto Rico, he would always
14 visit my dad at home. He would visit us at home.

15 Q And was Salvador affected by the death of your father?

16 A Well, he's now 95, and he's bedridden, and at that time he
17 would always ask for my father.

18 Q Well, let me ask you about Luis. When we heard testimony
19 that Luis had an automobile accident. How was Luis affected by
20 the death of your father?

21 A Well, at that time Luis was okay. I mean, the accident
22 occurred years afterwards. And when the accident occurred, he
23 was in the hospital for a long time. And after the accident
24 when he recovered his mind, he asked -- he started asking for
25 my dad, but he started asking why hadn't my dad gone to see

1 him. And my mother would tell us not to tell him anything.
2 She would do signs to us not to tell him anything. Because we
3 would go see him at the hospital every day. And she would tell
4 us not to say anything. But when he came out of the hospital,
5 he started asking for "Papino" -- well, my brother had died
6 -- my brother had been killed, and he started asking for
7 Miguel, and he started asking for my dad and after we consulted
8 with a doctor, because we had been sort of ignoring answering
9 to him, and after consulting with the doctor, the doctor told
10 us it's better if we told him the truth.

11 Q And did you tell him the truth?

12 A We told him the truth at home where we were all together in
13 the porch, and we told him the truth, and he got all -- and I
14 told my mom, you see, that's why I didn't want to tell him.
15 But we had to tell him. And he just went back, and we went
16 after him because we didn't know what he could do.

17 Q You say he got all what? What do you mean? He was upset?

18 A Well, he became just uncontrollable. He became
19 uncontrolled and -- well, because we were telling him that
20 -- that my father had been travelling, that just wasn't there,
21 that he was travelling, and that was the same thing that I was
22 telling my girl, because I didn't want her to know. Because I
23 didn't want her to know anything. And well -- but the doctor
24 told us that we had to tell him, so we did.

25 Q So your brother Luis had to suffer the death of your father

1 another time?

2 A Yes. And we all had to suffer it again, because we -- just
3 came back to us, the replay.

4 Q And this was in what year?

5 A Oh, the year, I don't remember.

6 Q Okay. It's okay.

7 Now, Lucy, have there been any proceedings in court that
8 you know of to declare the heirs of your father?

9 A That there was what?

10 Q A legal proceeding to declare the heirs of your father?

11 A Oh, yes.

12 Q And has that process been completed?

13 A Yes, the one for Josue and Salvador, yes.

14 Q But Salvador is not dead; right?

15 A No.

16 Q You mean Josue who was the brother who passed away?

17 A I didn't understand.

18 Q Listen carefully. Listen carefully. I'm talking about the
19 heirs of your father. Has there been a proceeding to declare
20 the heirs of your father?

21 A Of everyone?

22 Q Yes.

23 A Well, my mother did a Declaration of Heirs when my father
24 died.

25 Q And what about for your brother Miguel?

1 A Well, my dad -- Well, he was the youngest at home, and he
2 was just the soul of the house. He was always happy. Whenever
3 he was around, there was nobody -- there was -- nobody else
4 could be serious. There was -- he just -- he would come up
5 with anything. And that just wouldn't be at home, it was also
6 with his friends. His friends loved him a lot. And though he
7 was the youngest, that's how he was; and, well, Miguel's death,
8 he was killed and it's just that we used to call him "Papino,"
9 and his death was eight years after my father's death, and it's
10 just that he went to arrest -- Well, he was coming back from
11 work and he was in the car that he used for work and he
12 received a radio call that they were two people that were
13 robbing the post office, and that -- the one that's in the
14 Meso Canales (phonetic), and told his partner, Well, let's go
15 there, and they turned around.

16 Q And that's where he was killed, on duty?

17 A In line of duty, yes.

18 Q Lucy, I just have one more question for you. We're going
19 to break for lunch, so I want to make this my last question.

20 Yesterday when we were showing some of the photographs of
21 the massacre it affected you deeply, did it not?

22 A Well, it affected me because I didn't want to see those
23 scenes again. I -- just that I always wanted to remember him
24 like he was when he was with us.

25 Q Thank you, Lucy. I have no further questions, and I

1 apologize for those photographs.

2 MR. SAN-JUAN-DeMARTINO: And, your Honor, at this
3 point we would submit as exhibits the Declaration of Luz
4 Calderon-Cardona.

5 THE COURT: Ms. Calderon, you're excused. Thank you
6 very much.

7 THE WITNESS: Okay.

8 MR. SAN-JUAN-DeMARTINO: Would be Exhibit 28.

9 (Document is handed to the Judge.)

10 THE COURT: Ms. Luz Calderon's Declaration is admitted
11 as Exhibit 28.

12 (Sworn Declaration of Luz Calderon-Cardona is marked
13 and admitted as Plaintiffs' Exhibit No. 28.)

14 MR. SAN-JUAN-DeMARTINO: And, your Honor, we're close
15 to the end. We have one more witness from the Calderon family,
16 and then we have two more witnesses from Pablo Tirado's family,
17 and then we'll be done.

18 THE COURT: Let's take our lunch break now. Please be
19 back at two o'clock.

20 COURT SECURITY OFFICER: All rise.

21 (The Judge is off the bench at 12:27 p.m.)

22 (A lunch break is taken from 12:27 p.m. until
23 2:19 p.m.; at which time, the proceedings continue as follows:)

24 THE COURT: Go ahead.

25 MR. SAN-JUAN-DeMARTINO: May it please the Court.

1 Plaintiffs call Jose Raul Calderon.

2 THE COURT: Mr. Calderon, please.

3 THE COURTROOM DEPUTY CLERK: Raise your right hand,
4 please.

5 (The oath is administered by the Courtroom Deputy
6 Clerk, and the witness answers as follows:)

7 THE WITNESS: I do.

8 THE COURTROOM DEPUTY CLERK: So help you God. Please
9 be seated.

10 JOSE RAUL CALDERON-CARDONA,

11 having been first duly sworn by the Courtroom Deputy Clerk of
12 the Court to tell the truth, the whole truth, and nothing but
13 the truth, was examined and testified upon his oath as follows:

14 DIRECT EXAMINATION

15 BY MR. SAN-JUAN-DeMARTINO:

16 Q Good afternoon, sir.

17 A Good afternoon.

18 Q Would you please state your full name for the record.

19 A Jose Raul Calderon-Cardona.

20 Q How old are you, sir?

21 A Sixty-seven.

22 Q And when is your birthday?

23 A October 11.

24 Q You were born in 1942?

25 A 1942.

1 MR. SAN-JUAN-DeMARTINO: Your Honor, we offer Jose
2 Raul Calderon's birth certificate as Exhibit 33.

3 (Document is handed to the Judge.)

4 THE COURT: Admitted as Exhibit 33.

5 (Birth Certificate of Jose Raul Calderon-Cardona is
6 marked and admitted as Plaintiffs' Exhibit No. 33.)

7 Q (By Mr. San-Juan-De-Martino) Mr. Calderon, what is your
8 civil status?

9 A Married.

10 Q And do you have children?

11 A Three.

12 Q Okay. And what do you do for a living?

13 A I work with International Meat Company.

14 THE COURT: I'm sorry, "International" what company?

15 THE WITNESS: Meat Company.

16 THE COURT: Okay.

17 THE WITNESS: Food and Beverage Supervisor.

18 Q (By Mr. San-Juan-De-Martino) Okay. And Mr. Calderon,
19 would you tell us what your educational background is.

20 A I studied at the University of Puerto Rico up to my third
21 year, then I got married, and then I continued studying at the
22 University of Puerto Rico at night.

23 Q Okay.

24 THE COURT: Did you complete your Bachelor's degree?

25 THE WITNESS: No, sir.

1 Q (By Mr. San-Juan-De-Martino) Now, Mr. Calderon, you are
2 one of the sons of Carmelo Calderon-Molina; is that correct?
3 A Yes, sir.

4 Q And you heard testimony here about what it was like from
5 your sisters' perspective to grow up in this family; correct?
6 A That's right.

7 Q We've heard testimony about the relationship between a
8 father and his daughters. But we have heard no testimony about
9 the relationship between the father and his sons. Could you
10 tell us a little bit about that.

11 A Well, just like with what my sisters have said, with the
12 boys, at least with me and the youngest one, who are the
13 closest in age, he was a very loving father. He spent time
14 with us and even tried to teach us about his profession. He
15 would take us to work. And in the summertime when we were
16 older, we would go work with him.

17 Q And did you learn something about construction?

18 A Of course.

19 Q How would you describe your own relationship with your
20 father?

21 A Very good.

22 Q Now, we heard testimony about how he taught the girls to
23 play the boys games. Did you play games with your father?

24 A Yes, definitely. Well, since we were the youngest, girls
25 were much older, we would play checkers and Chinese checkers as

1 well as the Spanish cards with the rest of the family.

2 Q Now, when you married, did you still live in San Juan?

3 A In Trujillo Alto.

4 Q And after you married, how much did you see your father and
5 your mother?

6 A Every week.

7 Q On occasion of what?

8 A Well, every Saturday we'd go to my mother's house and spend
9 time with my mother and my father, and also holidays that the
10 family would get together.

11 Q Okay. Now, you have a nickname, no?

12 A Yes.

13 Q What do they call you?

14 A Papo.

15 Q We've heard testimony about your brother Miguel Angel.
16 What was the relationship like between Miguel Angel and your
17 father?

18 A Very good.

19 Q When your father was killed, how did Miguel Angel react to
20 that?

21 A How we all reacted, with a lot of pain and sadness.

22 Q Okay. When was the last time you saw your father?

23 A The day before he left, that I went home to say good-bye to
24 him.

25 Q And what was his attitude that day?

1 A He was very happy, and he was -- he really wanted to begin
2 his trip.

3 Q And how did you learn of what had happened to your father?
4 A Well, I was at home with my baby who was months old, and he
5 was crying because he hadn't been able to sleep and I found out
6 through the radio.

7 Q Now, we heard testimony about over the radio how they
8 announced one of the victims as Carmen Calderon. Did you also
9 hear that?

10 A Yes, that's right.

11 Q And did you know at that time that it was your father, or
12 did you think it was somebody else?

13 A Well, just like my sisters, I thought that it could be my
14 cousin and thought, gosh, she's also travelling over there?
15 But then in the radio they were going to read the names
16 directly from the passport, and then they read my father's
17 name.

18 Q And when they read your father's name, did they say that he
19 had been killed in the attack?

20 A Yes, that's correct.

21 Q And how did you feel when you heard that your father had
22 been killed?

23 A I felt my world ended. Well, I was with my baby, and I was
24 waiting for my wife to get home with her mother to go to work
25 and excuse myself from work. I used to work in Caguas, and

1 that's when I heard that.

2 Q What did you do?

3 A When my wife arrived and she had found out and she took me
4 directly home.

5 Q You mean home, the home of your mother and your father?

6 A Yes, that's right.

7 Q We've heard testimony here about how it took approximately
8 a week for your father's body to arrive in Puerto Rico. Would
9 you describe your feelings during the course of that week.

10 A Well, that was something that was really -- that was
11 gut-wrenching, because the house was just full of people, and
12 everybody was coming in to tell us how sorry they were for our
13 loss, and that was the whole week -- that you'd meet with
14 somebody else, and then somebody else would talk to you.

15 Q Now, we've heard testimony about when your father's body
16 arrived. Did you go to the airport to pick up the body?

17 A No, I stayed home with my mother and my sisters. It was my
18 brother-in-law with Ruth. And my younger brother, may he rest
19 in peace.

20 Q Okay. And we've heard testimony about the wake, the
21 "laudio," (phonetic) with the honor guard. I'd like to show
22 you a photograph that had has been admitted into evidence.

23 It's Exhibit 56. Can you identify the person in that
24 photograph?

25 A Yes. That's me.

1 Q And that's you when you were standing in the honor guard?

2 A That's right.

3 Q I notice that you're wearing dark glasses. Can you tell
4 the Court why you're wearing dark glasses?

5 A Because I didn't want anybody to see that I was crying.

6 Q Okay. Now, we've heard testimony about how your father was
7 buried in Luquillo. And I want to ask you, did you have any
8 participation in the preparation of the burial site.

9 A Well, I together with my three brothers-in-law, we prepared
10 the grave over in the cemetery in Luquillo.

11 Q And would you tell the Court exactly what it was that you
12 did.

13 A Well, my dad, before he died, had separated a place next to
14 his sister's grave, and we built a pantheon there for the
15 family to go and visit. And every Saturday we would go and
16 build on it until it was complete.

17 Q How long did it take you to build it?

18 A A few months.

19 Q Okay. And this is a cement structure?

20 A That's right.

21 Q So you were able to use some of the skills that your father
22 taught you?

23 A That's right.

24 Q Okay. Now, your sister described the Christmas after your
25 father died as a very sad occasion. Do you remember that

1 Christmas?

2 A That's right.

3 Q How was your family doing at that time?

4 A It wasn't the same. We were missing the cornerstone of the
5 family.

6 Q You mean you were missing your father?

7 A Yes, that's right.

8 Q Why do you call him the cornerstone of your family?

9 A Because he was our god. He would advise us; he would guide
10 us. He was our idol.

11 Q Senor Raul, over the course of the years, are there times
12 when you think of your father?

13 A Of course.

14 Q Are there particular moments when you think of him?

15 A That's right.

16 Q When?

17 A Well, the day he died, that's an unforgettable date;
18 Father's Day, Christmas Eve, Christmas Day, New Year's Eve, New
19 Year's, Three Kings Day, all the days we used to meet at our
20 parents' house.

21 Q And you say you had a small child when your father was
22 killed. How do you feel about the fact that that child never
23 had the chance to meet him?

24 A Well, feel very sorry, because we lost something that he
25 didn't have the benefit of knowing. At that time he was five

1 or six months old.

2 Q Now, during the course of this trial you have sat here and
3 you have listened to some of the evidence and have seen
4 photographs of the massacre at Lod Airport. Can you describe
5 your thoughts when you saw those photographs.

6 A When I saw the pictures, I felt immense pain within me
7 because I was thinking of what was -- what went through his
8 mind? What was happening? If he saw the bullets? If he died
9 quickly? If it took him time to die? You know.

10 Q Thank you, sir.

11 MR. SAN-JUAN-DeMARTINO: We have no further questions,
12 your Honor. At this time, we would submit the Declaration of
13 Jose Raul Calderon as Exhibit 25.

14 THE COURT: Admitted as Exhibit 25, the Declaration of
15 Mr. Jose Raul Calderon.

16 (Sworn Declaration of Jose Raul Calderon-Cardona is
17 marked and admitted as Plaintiffs' Exhibit No. 25.)

18 MR. SAN-JUAN-DeMARTINO: Your Honor, as it relates to
19 the cause of action of the children of Carmelo Calderon-Molina,
20 we'd also like to submit the following documents as exhibits.

21 First of all, the birth certificate of Miguel Angel
22 Calderon-Cardona. That is one of the children who is no longer
23 with us. If the Court will recall, he's the police officer
24 that was killed in the line of duty; that will be Exhibit 35.

25 (Birth Certificate of Miguel Angel Calderon-Cardona is

1 marked and admitted as Plaintiffs' Exhibit No. 35.)

2 MR. SAN-JUAN-DeMARTINO: Yes. And also submit the
3 Death Certificate of Miguel Angel Calderon as Exhibit 40.

4 Also, your Honor, we would submit a copy of the death
5 certificate of Eladia Cardona, Don Carmelo's wife; that would
6 be Exhibit 21.

7 THE COURT: Well, Miguel Angel Calderon's death
8 certificate is admitted as Exhibit 40, and Eladia Cardona's
9 death certificate is admitted as Exhibit 21.

10 (Death Certificate of Miguel Angel Calderon-Cardona is
11 marked and admitted as Plaintiffs' Exhibit No. 40.)

12 (Death Certificate of Eladia Cardona-Rosario is marked
13 and admitted as Plaintiffs' Exhibit No. 21.)

14 MR. SAN-JUAN-DeMARTINO: And, finally, Judge, we would
15 advise the Court as to the filing of several petitions -- in
16 Spanish it Declaracion de Herederos, that's Declaration of
17 Heirs, and I will give the Court the numbers of these petitions
18 -- civil numbers of these petitions. All of these cases remain
19 pending to this day; but once there is some decision in these
20 cases, of course we will advise the Court. The Petition of
21 Heirs for Carmelo Calderon-Molina is being presented before the
22 Court of First Instance, San Juan Part, under the caption of
23 Civil Number K as in kilo, J as in Juliet, V as in Victor,
24 09-2276; a Petition for the Declaration of Heirs.

25 THE COURT: Excuse me. Do you have a court number

1 after that?

2 MR. SAN-JUAN-DeMARTINO: Well, that's the number that
3 I have, your Honor. I guess -- You mean the courtroom number?

4 THE COURT: The parentheses --

5 MR. SAN-JUAN-DeMARTINO: I don't have it for that
6 particular case.

7 THE COURT: This is in the San Juan --

8 MR. SAN-JUAN-DeMARTINO: In the San Juan Superior
9 Court. That's right, your Honor.

10 THE COURT: All right.

11 MR. SAN-JUAN-DeMARTINO: I do have the full number for
12 the cases that were filed in the Petition of Heirs of Miguel
13 Calderon-Cardona, and that would be Civil Number K as in kilo,
14 I as in India, and V as in Victor, 09-2451, parentheses, 506.

15 THE COURT: Is that also in San Juan?

16 MR. SAN-JUAN-DeMARTINO: That's also in San Juan. And
17 the Petition for Heirs as to Josue Calderon-Martinez, if the
18 Court will recall, that is one of the elder siblings who passed
19 away.

20 THE COURT: Of the first marriage?

21 MR. SAN-JUAN-DeMARTINO: Of the first marriage. And
22 that's under Civil Number K as in kilo, I as in India, V as in
23 Victor, 09-2462, parentheses, 803.

24 THE COURT: All right. And what you're going to do is
25 let the -- present these once there's a judgment.

1 MR. SAN-JUAN-DeMARTINO: Right, your Honor.

2 THE COURT: Okay. Has there been -- Is there a
3 hearing set in any of these?

4 MR. SAN-JUAN-DeMARTINO: No hearing has been set in
5 any of these cases. As soon as that happens, we will advise
6 the Court.

7 For the benefit of the Court, we will now move to the
8 cause of action of Pablo Tirado and Antonia Ramirez, who are
9 also Plaintiffs in case. Both of these individuals are in a
10 very frail advanced state of health, and they're unable to
11 appear today before the Court. And we do have medical
12 certificates to that effect.

13 We will submit as Pablo Tirado-Ayala, Exhibit 1 -- I
14 mean, Exhibit 11; and as to Antonia Ramirez, it will be
15 Exhibit 12. They both describe the frail state of health of
16 both individuals. However, we do have with us today the son of
17 Pablo Tirado and Antonia Ramirez, Angel Ramirez, who will be
18 our next witness.

19 THE COURT: Mr. San-Juan, do you have the birth
20 certificates of --

21 MR. SAN-JUAN-DeMARTINO: We do.

22 THE COURT: -- of Mr. Tirado-Ayala and Mrs. Antonia
23 Ramirez?

24 MR. SAN-JUAN-DeMARTINO: What we have, your Honor, is
25 a birth certificate for Pablo Tirado-Ayala, which we will

1 submit as Plaintiffs' Exhibit 43. And we do have a marriage
2 certificate for Pablo Tirado-Ayala and Antonia Ramirez, wife.

3 THE COURT: All right. As far as Exhibit 11 is
4 concerned, we need an English translation.

5 MR. SAN-JUAN-DeMARTINO: Okay.

6 THE COURT: It's Dr. Gomez Adrover's certificate.

7 MR. SAN-JUAN-DeMARTINO: Doesn't that also have the
8 English?

9 THE COURT: No.

10 MR. SAN-JUAN-DeMARTINO: No?

11 Okay. Well -- Well, that's no problem, your Honor.
12 We should be able to prepare that by the end of today, and
13 we'll use Mr. Loa to help us out on that.

14 THE COURT: Okay.

15 MR. SAN-JUAN-DeMARTINO: We also submit the --

16 THE COURT: Do you have a marriage certificate?

17 MR. SAN-JUAN-DeMARTINO: -- the marriage certificate,
18 which does include a certified translation.

19 THE COURT: There is for Don Pablo and Dona Antonia?

20 MR. SAN-JUAN-DeMARTINO: That's right.

21 THE COURT: And the number of that exhibit?

22 THE COURTROOM DEPUTY CLERK: 44.

23 MR. SAN-JUAN-DeMARTINO: Judge, I'm told -- and just
24 confirmed -- that if you look at that birth certificate
25 closely, you will see that it, itself, is in both Spanish and

1 English.

2 THE COURT: Yeah, it's the -- it's the medical
3 certificate, 11.

4 MR. SAN-JUAN-DeMARTINO: Oh, the medical certificate.

5 Okay, no problem. We'll get Mr. Loa to do that for us.

6 (Medical Certificate for Pablo Tirado-Ayala is marked
7 and admitted as Plaintiffs' Exhibit No. 11.)

8 (Medical Certificate for Antonia Ramirez-Fiero is
9 marked and admitted as Plaintiffs' Exhibit No. 12.)

10 THE COURT: The other thing is, in the marriage
11 certificate of Don Pablo and Dona Antonia, it indicates that
12 Dona Antonia is a native of Morovis. Is that the only evidence
13 you have of her citizenship?

14 MR. SAN-JUAN-DeMARTINO: I believe so, your Honor.

15 THE COURT: Okay.

16 MR. SAN-JUAN-DeMARTINO: Besides the testimony we will
17 present.

18 THE COURT: All right.

19 (Respite.)

20 THE COURT: All right. Marriage certificate admitted
21 as Exhibit 44.

22 (Marriage Certificate of Pablo Tirado-Ayala and
23 Antonia Ramirez-Fiero is marked and admitted as Plaintiffs'
24 Exhibit No. 44.)

25 MR. SAN-JUAN-DeMARTINO: So Plaintiffs will call Angel

1 Ramirez as our next witness.

2 THE COURT: Mr. Ramirez.

3 THE COURTROOM DEPUTY CLERK: Raise your right hand,
4 please.

5 (The oath is administered by the Courtroom Deputy
6 Clerk, and the witness answers as follows:)

7 THE WITNESS: I swear.

8 THE COURTROOM DEPUTY CLERK: So help you God. Please
9 be seated.

10 THE COURT: You may proceed.

11 MR. SAN-JUAN-DeMARTINO: Thank you, your Honor.

12 ANGEL RAMIREZ-COLON,

13 having been first duly sworn by the Courtroom Deputy Clerk of
14 the Court to tell the truth, the whole truth, and nothing but
15 the truth, was examined and testified upon his oath as follows:

16 DIRECT EXAMINATION

17 **BY MR. SAN-JUAN-DeMARTINO:**

18 Q Sir, would you please state your full name for the record.

19 A Angel Ramirez-Colon.

20 Q How old are you, sir?

21 A Fifty-four.

22 Q What is your address?

23 A I live in Manati.

24 Q Okay. And what do you do for a living?

25 A Refrigeration technician.

1 Q Okay. Are you married?

2 A That's right.

3 Q Okay. Could you please speak up so we can hear you. Just
4 get closer to the microphone.

5 Don Angel, do you know a person by the name of Pablo
6 Tirado-Ayala?

7 A Correct.

8 Q And do you know a person by the name of Antonia Ramirez?

9 A Correct.

10 Q Could you please tell the Court who those people are, in
11 relation to yourself?

12 A Well, yes, she's my aunt on my father's side, and he's my
13 stepfather. They're my parents. They're who raised me.

14 Q You say that they are the people that raised you. From
15 what age did they raise you?

16 A That's right. And with them from the moment that I was six
17 months old.

18 Q And how was it that you became their stepchild?

19 A Yes. Since I couldn't be in the state of Chicago, then
20 I -- my biological mother, she brought me to live with them.

21 Q And your biological mother was the sister of Antonia
22 Ramirez?

23 A No. My father.

24 Q Your biological father was the brother of Antonia Ramirez?

25 A Correct.

1 Q Okay. I see. And so you came to live with them at the age
2 of six months?

3 A Correct.

4 Q Okay. And you lived in their home for your entire
5 childhood; correct?

6 A That's right.

7 Q Who else lived in that house?

8 A My brother, their biological son.

9 Q What was his name?

10 A Miguel Angel Tirado.

11 Q And what age was he in relation to you?

12 A I'm sorry, I don't understand.

13 Q When you went to live there, you were six months old?

14 A Correct.

15 Q And Miguel Angel, how old was he? Was he older or younger
16 than you?

17 A He's older than me.

18 Q How many years older than you?

19 A Four years.

20 Q Okay. So you grew up with Miguel Angel?

21 A That's right.

22 Q What happened to Miguel Angel?

23 A He died when he was 12.

24 Q How did he die?

25 A It was an accident at home. A fire.

1 Q And he was burned?

2 A That's right.

3 Q When Miguel Angel died, how did that impact your mother and
4 your father, meaning Antonia and Pablo?

5 A That was something that was terrible. My mother suffered a
6 lot. She even had to leave the country to get -- to get help,
7 to be tended to emotionally. And emotionally, it affected her
8 a lot.

9 Q Now, you were eight years old when this happened; correct?

10 A Correct.

11 Q And how did your father Pablo --

12 When I say from now on your father and mother, I'm
13 referring to Pablo and Antonia.

14 How did your father react to the loss of his son?

15 A Well, it affected him emotionally a lot. With time, he
16 recovered a little. But that has always existed among us.
17 When I mean "among us," I mean the family.

18 Q Okay.

19 MR. SAN-JUAN-DeMARTINO: Your Honor, if I may approach
20 the Courtroom Deputy. I have a photograph here I would like to
21 have marked as an exhibit. It would be Exhibit 62.

22 (Document is handed to the Judge for review.)

23 THE COURT: Be admitted as Exhibit 62.

24 MR. SAN-JUAN-DeMARTINO: Thank you.

25 (Photograph is marked and admitted as Plaintiffs'

1 Exhibit No. 62.)

2 Q (By Mr. San-Juan-De-Martino) Miguel Angel, I'd like to
3 show you a photograph. I'm going to put it here on the screen.
4 And do you recognize that photograph?

5 A That's right.

6 Q If you turn and you can see it behind you as well. Can you
7 just tell us in that photograph; point out who is who.

8 A Antonia, Pablo, neighbor, and me.

9 Q Okay. So that's you on the right-hand side in the
10 photograph?

11 A Correct.

12 Q And looks to me like you're about -- maybe about 11 years
13 old, something like that?

14 A Yes, that's right.

15 Q Okay. And that was after your brother had died?

16 A Yes.

17 Q So tell us a little bit about what it was like to grow up
18 with Don Pablo and Antonia. Putting aside this tragic event,
19 the loss of Miguel Angel, how were they as parents?

20 A Well, very good. Because you have to remember that when
21 they opened their home to me, and all the love they had, they
22 deposited in me. I was the only one there, and they deposited
23 all their love in me.

24 Q Did your parents, Antonia and Pablo, did they ever travel?

25 A Yes.

1 Q Where did they travel to?

2 A Mexico, Magic Kingdom, New York, Dominican Republic. They
3 went to several places.

4 Q I noticed from this Exhibit 62 on the back it says that
5 this was a trip to Vieques.

6 A Correct.

7 Q And they travelled with you to Vieques and a neighbor?

8 A Yes.

9 MR. SAN-JUAN-DeMARTINO: Here's another photograph
10 that I would like to have marked. It will be Exhibit 61.

11 (Document is handed to the Judge for review.)

12 MR. SAN-JUAN-DeMARTINO: And this one, too.

13 THE COURT: Admitted as Exhibit 61.

14 (Photograph is marked and admitted as Plaintiffs'
15 Exhibit No. 61.)

16 MR. SAN-JUAN-DeMARTINO: All right.

17 Q (By Mr. San-Juan-De-Martino) I'll show you another
18 photograph here. Can you identify the people in this
19 photograph?

20 A Yes.

21 Q And who are they?

22 A My dad and my mom. That was on a trip to Mexico.

23 Q Okay. So they enjoyed travelling together?

24 A Yes.

25 Q You testified before that they were able to, in some ways,

1 recover from the tragic loss of their son?

2 A Yes.

3 Q When you were growing up, what kind of activities did you
4 undertake with your father on a regular basis?

5 A We would go out to baseball games, would go also to the
6 beach, and we would also do internal tours.

7 Q What did your father do for a living?

8 THE INTERPRETER: The Interpreter needs to ask a
9 question.

10 MR. SAN-JUAN-DeMARTINO: Okay. Sure.

11 (The Interpreter speaks with the witness and then
12 translates the answer.)

13 THE WITNESS: He was a driver for public
14 transportation, and he also dealt in -- with -- and he also did
15 business with produce.

16 Q (By Mr. San-Juan-De-Martino) Was he one of those people
17 who drove a truck that was filled with fruits and vegetables in
18 which we call here in Puerto Rico "revandon" (phonetic)?

19 A Correct.

20 Q And how about your mother; did she work?

21 A Yes.

22 Q What kind of work did she do?

23 A In public school cafeterias.

24 Q What did she do, she worked in the cafeterias?

25 A Correct.

1 Q Okay. Now, did there come a time when your father spoke
2 about the trip to Jerusalem to the Holy Land?

3 A Yes.

4 Q And what did he say about that?

5 A Well, that finally an opportunity that had come up for him
6 to be able to go to this trip to the Holy Land, that he had
7 been contacted by the pastor from our church that was planning
8 a trip to the Holy Land, and he was going to go with them.

9 Q Was your father a religious person?

10 A Yes.

11 MR. SAN-JUAN-DeMARTINO: And I've submitted to the
12 Court a photograph which I asked to be marked as Exhibit 45.

13 THE COURT: Admitted as Exhibit 45.

14 (Photograph is marked and admitted as Plaintiffs'
15 Exhibit No. 45.)

16 Q (By Mr. San-Juan-De-Martino) And as a result of these
17 conversations, did he, in fact, plan to make a trip to the
18 Holy Land?

19 A Yes, that's right.

20 Q And who was it that was organizing this trip?

21 A Mr. Berganzo.

22 Q B-e-r-g-a-n-z-o, correct?

23 A Correct.

24 Q And who was Mr. Berganzo?

25 A He was the pastor from a church from the same council that

1 my father attended.

2 Q What was your father's relationship with Mr. Berganzo?

3 A Well, since they began -- they belonged to the same council
4 that the churches belonged to, then they knew each other
5 because the churches would visit each other, so they knew each
6 other beforehand.

7 Q And did your father and Pastor Berganzo develop a
8 friendship?

9 A I believe so.

10 Q How do you know that?

11 A Well, because he would speak a lot of him, and at the time
12 they were planning the trip, which was a month.

13 Q Okay. Now, I show you what has been marked as Plaintiffs'
14 Exhibit 45, and I ask you, have you seen this photograph
15 before?

16 A That's correct.

17 Q And what is depicted in this photograph?

18 A My father's there, and I believe that the other people are
19 the ones who accompanied him in the trip.

20 Q Would you point out your father in the photograph using the
21 pointer, please.

22 A Of course. Here.

23 Q Was it your father's custom to wear a hit?

24 A Correct, yes.

25 Q Now, when your father was planning his trip to the Holy

1 Land, what was his attitude? How did he feel about the trip?

2 A Very happy. And the main topic in the house was the trip.

3 Q Now, was there any discussion of your mother going on the
4 trip as well?

5 A No, that was impossible. Because since I was studying, she
6 couldn't leave me alone.

7 Q How old were you at the time?

8 A Sixteen.

9 Q Okay. And so your father decided that he was going to go
10 on this trip alone?

11 A Correct.

12 Q Okay. And do you remember when he went off on the trip?

13 Remember the day that he left?

14 A Yes.

15 Q How was he feeling that day?

16 A Very happy. The night before he didn't sleep.

17 Q Okay. Now, when he went off on the trip, did you learn
18 after that that something had happened, obviously?

19 A Yes. A neighbor had told us that they were saying on the
20 radio that something happened on the trip that Pablo was in.

21 Q And then what did you do?

22 A Well, I turned the radio on waiting for the news, but
23 nothing was really being said of the survivors or the dead.
24 They were just saying what had happened, and that there had
25 been some dead, but they weren't saying anything else at the

1 time.

2 Q Now, your mother was listening to the radio with you, no?

3 A Correct.

4 Q And how was she with this -- with this news? How was she
5 reacting to this news?

6 A Well, very nervous. Due to the uncertainty. We really
7 didn't know what had happened, and -- and what had happened to
8 my father.

9 Q What you knew is that there had been a terrorist attack at
10 the airport and that several people had died?

11 A Correct.

12 Q And that several of those people were from Puerto Rico?

13 A Correct.

14 Q Did there come a time when you were able to receive news
15 about what had happened to your father?

16 A Yes, that's right.

17 Q What was the news?

18 A Well, the news was that within the list of survivors, my
19 father was within that list.

20 Q All right. And did there come a time when you were able to
21 speak to your father?

22 A Not until he came back.

23 Q When did he return?

24 A Weeks later. Because as I understand it, they continued on
25 with the trip.

1 Q Okay. And when he returned from the trip, what was your
2 father like?

3 A He was somebody different.

4 Q Why?

5 A He wouldn't speak, in the house he would almost always be
6 in the room, he would just come out for minutes, and he
7 wouldn't talk, and he would return to his room.

8 Q Did he talk to you or to your mother about what had
9 happened?

10 A Very little. Very little. Because he avoided the topic.

11 Q You say he avoided the topic. The topic was on the
12 television, on the radio, how did he avoid the topic?

13 A Well, among us, we wouldn't talk about it. And my mother
14 then decided that the radio and TV shouldn't be turned on
15 anymore, so he wouldn't see it, so that he wouldn't see that,
16 and he -- and that he would become more closed off, because his
17 world had become closed off.

18 Q Did he do the activities that he used to do such as go to
19 baseball games, drive his truck?

20 A No, not anymore.

21 Q Did he receive any medical treatment of any sort?

22 A Yes.

23 Q What was it?

24 A Well, he was hospitalized at a psychiatric hospital for a
25 little bit over a month.

1 Q Okay. And when he was at the hospital, did you have a
2 chance to visit him, or no?

3 A No.

4 Q When he returned from the hospital, was he better?

5 A His improvement was very little. It was very poor.

6 Q Do you remember your father being able to sleep at night
7 after the attack?

8 A No. If he wasn't medicated, he couldn't sleep. And even
9 when he slept, he would wake up screaming.

10 Q And how long did this go on? This state of his -- that you
11 described?

12 A A lot. I would say over a year.

13 Q Was he ever able to work after that again?

14 A Very little.

15 Q Okay. And how did he spend most of his time after that?

16 A At home. He wouldn't go out. If he would go out, it would
17 be practically only to church. He would speak very little.
18 And he didn't work. He practically couldn't work.

19 Q And how did this -- these changes in your father, how did
20 they affect your mother?

21 A Well, the money that my father would bring home wasn't
22 coming in. If it came in, it was very little. So,
23 practically, my mother became head of the household.

24 Q And was your father -- did he get irritated easily? Was he
25 the type of person who would react angrily to a situation?

1 A Well, you could say that he wasn't very approachable, as he
2 was before.

3 Q Okay. And how did this affect your mother from an
4 emotional point of view?

5 A Well, terribly, because the person to talk to, who would
6 spend time with us, who would go out with us, that main
7 provider, he wasn't there anymore.

8 Q Did your mother take care of your father during this
9 period, in the aftermath of the attack?

10 A Correct.

11 Q What did she do for him?

12 A Well, we didn't -- she didn't bring up the topic, because
13 we wanted him to be -- to talk to us about it, and we also
14 -- anybody who would come into the home, we would tell that
15 person not to bring up the topic, because if that happened,
16 then he could go into a crisis or into a depression again.

17 Q And at this time your mother was the principal provider for
18 the home, no?

19 A Correct.

20 Q She continued to work at the school cafeterias?

21 A Correct.

22 Q Okay. Now, did your father ever travel again? Did he ever
23 leave Puerto Rico again after this?

24 A Never ever.

25 Q Why not?

1 A He didn't -- he didn't like -- he wouldn't like to. He
2 would say no.

3 Q Did he ever have the opportunity to travel?

4 A Yes. He had family abroad, and he would be invited to go,
5 and he would say no.

6 Q Okay. Now, over the course of time, is it correct that
7 there were memorial services for the victims of the Lod
8 terrorist attack?

9 A Correct.

10 Q Did your father ever attend those memorial services?

11 A Not that I remember.

12 Q Did your father go recently to a service or a ceremony that
13 was dedicated to the victims of the Lod massacre?

14 A Yes.

15 Q And can you tell the Court what was his reaction upon
16 coming back from that service?

17 A Well, he came back very sad because he relived everything.
18 There were many people there who each brought to life what they
19 had gone through. So he fell into a depression. It was a week
20 that he barely ate.

21 Q By the way, immediately after the attack, did he lose or
22 gain any amount of weight?

23 A He lost weight.

24 Q How much weight did he lose?

25 A Around 60 to 80 pounds.

1 Q That's a lot of weight.

2 A Yes. Very noticeable.

3 Q You could see it in him?

4 A Yes.

5 Q Okay. Now, where is your father right now?

6 A In a home.

7 Q And how old is he?

8 A Ninety.

9 Q Okay. I want to show you some photographs. These are to
10 be marked 63, 64, and 65.

11 (Photographs are handed to the Judge for review.)

12 Q While they're marking those photographs, what is his
13 current state of health?

14 A Very delicate.

15 Q Okay. And what about your mother? Where is she?

16 A My mother is also in the home.

17 Q And what is her state of health?

18 A Well, they have -- she has symptoms of Alzheimer, and also
19 of dementia, senility.

20 THE COURT: Senile dementia.

21 THE INTERPRETER: The Interpreter stands corrected.

22 Q (By Mr. San-Juan-De-Martino) I understand that she also
23 gets a little dizzy sometimes?

24 A Yes. That's a condition that she has, poor balance.

25 Q Okay. Do you recall your father's 90th birthday?

1 A Yes.

2 (Photographs are marked and admitted as Plaintiffs'
3 Exhibit Nos. 63, 64, and 65.)

4 Q And I want to show you some photographs here that have been
5 marked. I show you a photograph that has been marked
6 Exhibit 63. Tell us what you see in that photograph.

7 A My father and my mother.

8 Q And when was this photograph taken?

9 A On his birthday.

10 Q Which would be how long ago?

11 A Some months ago. His birth date was in September -- No, in
12 August.

13 Q So August of this year?

14 A Correct.

15 Q All right. I'll show you what has been marked Exhibit 64.
16 That was also taken that day?

17 A Yes. That's my mother congratulating him.

18 Q Okay. And, finally, I'll show you what has been marked
19 Exhibit 65. This is a more recent photograph?

20 A That's right.

21 Q When was this photograph taken?

22 A This week.

23 Q Thank you very much, Angel. Let me see if I have any
24 further questions.

25 (Respite.)

1 Q I just want to ask you about your mother. You've already
2 testified how your father changed and how he became withdrawn
3 and depressed after the attack. Same question for your mother.
4 How did your mother change, if at all, in the aftermath of the
5 terrorist attack?

6 A Well, very affected because she would have to dedicate all
7 her time basically with him, making sure that he would eat, he
8 would be medicated -- It wasn't easy.

9 MR. SAN-JUAN-DeMARTINO: Thank you, Angel.

10 Your Honor, at this time we would like to submit in
11 evidence the Sworn Declarations of Pablo Tirado-Ayala and
12 Antonia Ramirez-Fiero. The Sworn Declaration of Pablo
13 Tirado-Ayala will be Exhibit 46, and it is in Spanish
14 accompanied by a certified translation. And the Sworn
15 Declaration of Antonia Ramirez-Fiero will be Exhibit 47. And
16 just for the benefit of the Court, we were looking for this,
17 and we found it, the birth certificate of -- is attached to her
18 Sworn Declaration. That will be Exhibit 47.

19 (Sworn Statement of Pablo Tirado-Ayala,
20 English/Spanish is marked and admitted as Plaintiffs' Exhibit
21 No. 46.)

22 (Sworn Statement of Antonia Ramirez-Fiero,
23 English/Spanish is marked and admitted as Plaintiffs' Exhibit
24 No. 47.)

25 THE COURT: Pablo Tirado's --

1 MR. SAN-JUAN-DeMARTINO: Your Honor, there's one more
2 thing that I want to ask the Court. A favor I want to ask the
3 Court. This that I hold in my hand can be identified by the
4 witness. And I think it's important for the Court to see it.
5 But it has great sentimental value, so I did not want to submit
6 it in evidence. But I think it's relevant to the Court.

7 THE COURT: Can we make a copy, at least, of the -- it
8 looks like a Bible.

9 MR. SAN-JUAN-DeMARTINO: It is a Bible, your Honor.
10 It's not just a Bible. It's the Bible that was carried by
11 Pablo Tirado during the terrorist attack and which was damaged
12 by what appears to be shrapnel or a bullet hole. It's in a
13 delicate state.

14 THE COURT: Why don't we do this. Let's make a
15 photocopy of each side where this damage is a -- can be seen,
16 and I'll accept that as an exhibit.

17 MR. SAN-JUAN-DeMARTINO: Very well, your Honor.

18 THE COURT: Mr. San-Juan, is there any way to take a
19 photo of it? That would be better and --

20 MR. SAN-JUAN-DeMARTINO: That might be better. With
21 the Court's permission, can I approach the witness?

22 THE COURT: Why don't we do that. Take a photo -- we
23 don't have a number for that exhibit.

24 MR. SAN-JUAN-DeMARTINO: We have a number for the
25 Bible itself, but in lieu of, we will submit the photograph.

1 THE COURT: We'll do that.

2 MR. SAN-JUAN-DeMARTINO: With the Court's permission,
3 can I approach the witness?

4 THE COURT: Yes. What number is it?

5 MR. SAN-JUAN-DeMARTINO: It will be 57.

6 (Photographs of Mr. Tirado's Bible will be marked and
7 admitted when they are produced to the Courtroom Deputy Clerk,
8 and will be so admitted as Plaintiffs' Exhibit No. 57.)

9 Q (By Mr. San-Juan-De-Martino) Angel, what is it that I've
10 handed you?

11 A This is my father's Bible.

12 Q And was this the Bible that he took with him on the trip?

13 A Correct. This was in his handbag.

14 Q Okay. And it seems to be damaged there. Can you tell us
15 how it was damaged, if you know.

16 A Well, according to what he explained to us, it was a bullet
17 that went into his handbag.

18 Q Okay. And where was this Bible during the past 37 years?

19 A Well, it was put away. My mother had hidden it because it
20 was many years since I had seen it.

21 Q Why was it hidden?

22 A To avoid him seeing it and getting depressed.

23 Q Okay. Thank you very much, sir. We're going to take this
24 Bible and take a photograph of it and then submit that as --

25 THE COURT: May I see it a minute, Mr. San-Juan?

1 MR. SAN-JUAN-DeMARTINO: Yes, of course, your Honor.

2 (The Bible is handed to the Judge for review.)

3 THE COURT: All right. See if you can take a picture
4 of both sides.

5 MR. SAN-JUAN-DeMARTINO: Yes, of course.

6 THE COURT: And the -- I don't know what this is
7 called.

8 MR. SAN-JUAN-DeMARTINO: The spine.

9 THE COURT: The spine. The spine.

10 MR. SAN-JUAN-DeMARTINO: Sure. We'll do so, sir.

11 THE COURT: All right. We can have the picture taken
12 here by our systems people.

13 MR. SAN-JUAN-DeMARTINO: Oh, really?

14 THE COURT: So during the break we can do that.

15 MR. SAN-JUAN-DeMARTINO: Okay. Perfect, your Honor.
16 Perfect.

17 All right. We have no further questions of the
18 witness, your Honor.

19 THE COURT: Thank you very much. Mr. Ramirez, thank
20 you.

21 MR. SAN-JUAN-DeMARTINO: Your Honor, our final witness
22 is Dr. Alexandra Ramos-Duchateau.

23 THE COURT: Dr. Ramos.

24 THE COURTROOM DEPUTY CLERK: Raise your right hand,
25 please.

1 (The oath is administered by the Courtroom Deputy
2 Clerk, and the witness answers as follows:)

3 THE WITNESS: I swear.

4 THE COURTROOM DEPUTY CLERK: So help you God. Please
5 be seated.

6 MR. SAN-JUAN-DeMARTINO: May it please the Court?

7 THE COURT: Go ahead.

8 MR. SAN-JUAN-DeMARTINO: Thank you, your Honor.

9 DR. ALEXANDRA M. RAMOS-DUCHATEAU,

10 having been first duly sworn by the Courtroom Deputy Clerk of
11 the Court to tell the truth, the whole truth, and nothing but
12 the truth, was examined and testified upon her oath as follows:

13 DIRECT EXAMINATION

14 **BY MR. SAN-JUAN-DeMARTINO:**

15 Q Good afternoon, ma'am.

16 A Good afternoon.

17 Q Would you please state your full name for the record.

18 A My name is Alexandra Ramos-Duchateau.

19 Q Could you please get a little closer to the microphone so
20 we can hear you better.

21 A Alexandra Ramos-Duchateau.

22 Q Okay. And how old are you, ma'am?

23 A I'm 36 years old.

24 Q And how are you employed? What do you do for a living?

25 A I'm a clinical psychologist.

1 Q And what is it that a clinical psychologist does?

2 A Clinical psychology is a study of abnormal behaviors,
3 disorders, abnormal reactions to experiences, in a nutshell.

4 Q And how was it that you became a clinical psychologist?

5 What sort of education and training do you have?

6 A I have a bachelor's degree from Princeton University in
7 Psychology. I also have a master's and doctoral degree from
8 the University of Illinois Urbana-Champaign. After a doctoral
9 degree, it's customary to do an Internship, which I did at the
10 University of Illinois-Chicago. And then I did a postdoctoral
11 study at the University of Texas in Dallas. And after that, I
12 began a private practice here in Puerto Rico.

13 Q Okay.

14 A 2003.

15 Q And what has been the nature of your private practice?

16 A I have a split practice. I do traditional psychotherapy,
17 and I also have a forensic practice where I consult and do
18 evaluations in criminal and civil cases.

19 Q Okay. And I'm going to hand you a document. Can you to
20 identify it, if you would, please.

21 (Document is handed to the witness.)

22 A This is my Curriculum Vitae.

23 Q Is that Curriculum Vitae up-to-date?

24 A Yes, it is.

25 MR. SAN-JUAN-DeMARTINO: Okay. Your Honor, with the

1 Court's permission, we'd like to submit Dr. Ramos' written
2 Curriculum Vitae as Plaintiffs' Exhibit 9.

3 (Document is handed to the Judge for review.)

4 THE COURT: Admitted as Exhibit 9.

5 MR. SAN-JUAN-DeMARTINO: Thank you, Judge.

6 (Curriculum Vitae of Dr. Ramos is marked and admitted
7 as Plaintiffs' Exhibit No. 9.)

8 Q (By Mr. San-Juan-De-Martino) Doctor, you've testified in
9 court before?

10 A Yes, I have.

11 Q Have you ever been qualified as an expert in court before?

12 A Yes, I have.

13 Q In the area of clinical psychology?

14 A Yes.

15 Q Okay. And have you provided testimony in federal court
16 before as an expert?

17 A Yes, I have.

18 Q In this particular court?

19 A Not in this courtroom.

20 Q Not with this Judge, but with other federal judges?

21 A Yes.

22 Q Have you ever been disqualified as an expert in any case?

23 A No.

24 MR. SAN-JUAN-DeMARTINO: Your Honor, at this time we
25 would submit Dr. Alexandra Ramos as an expert in clinical

1 psychology to be qualified as such.

2 THE COURT: Dr. Ramos is qualified as an expert in
3 clinical psychology and also in forensic psychology.

4 MR. SAN-JUAN-DeMARTINO: In forensic psychology, as
5 well, yes, sir.

6 Q (By Mr. San-Juan-De-Martino) Now, Dr. Ramos, you were
7 retained in this case by me to conduct a certain type of work;
8 is that correct?

9 A Yes.

10 Q And what was your understanding of the work that I asked
11 you to perform?

12 A I was asked to evaluate Mr. Tirado and Mrs. Ramirez and
13 render a mutual opinion as to what their mental health needs
14 were at the present time and in the past.

15 Q Okay. And what do you do in order to conduct this
16 evaluation?

17 A In this case, I reviewed the Sworn Statement of Antonia
18 Ramirez-Fiero dated November 16, 2007, and I also reviewed the
19 Sworn Statement of Pablo Tirado-Ayala dated November 16, 2007,
20 I read a newspaper article, titled La Matanza de Tel Aviv, I
21 also read a newspaper article from the New York Times dated
22 June 4th, 1972, I read a patient summary of Mrs. Antonia
23 Ramirez-Fiero by Dr. Efrain Marcantoni dated October 17th,
24 2007; and I also had the chance to interview Mrs. Antonia and
25 her son, Angel Ramirez. I visited Mr. Tirado at the nursing

1 home, but he was at the time of the evaluation bedridden,
2 unable to speak, blind, and required assistance through a
3 feeding tube, so I was unable to interview him directly.

4 Q Okay.

5 THE COURT: Mr. San-Juan, would you please put
6 Exhibit 65 back on the Elmo.

7 MR. SAN-JUAN-DeMARTINO: Yes, your Honor.

8 Thank you.

9 THE COURT: Doctor, if you would look at the monitor,
10 is this the way that you found Mr. Tirado?

11 THE WITNESS: Yes.

12 THE COURT: Is that the feeding tube that we see on
13 his face?

14 THE WITNESS: Yes.

15 THE COURT: Okay. Thank you.

16 Q (By Mr. San-Juan-De-Martino) And, Doctor, can you tell us
17 the date, if you recall, when you visited the nursing home when
18 you saw Mr. Tirado?

19 A It November 16th, 2009.

20 Q And at that same nursing home, that's where you interviewed
21 Mrs. Antonia Ramirez?

22 A Yes.

23 Q Okay. Thank you.

24 Now, Doctor, as a result of the documents that you
25 reviewed, the interviews that you conducted, what information

1 were you able to obtain. What sort of history were you able to
2 obtain of --

3 First, let's talk about Pablo Tirado.

4 A Pablo Tirado at the time of the evaluation was 90 years
5 old. He has been married to Mrs. Antonia Ramirez for 58 years.
6 He's currently living in a nursing home. And from the history
7 that I gathered and from the statements that I read, he was a
8 public transportation driver who also sold produce and
9 vegetables. He had two sons, one of them who passed away in an
10 accident, a fire at the home, and another son who just
11 testified. He was a family man. A church-going man. He
12 enjoyed baseball games, he sang, he enjoyed trips with his
13 family, and he was a man from humble beginnings. He only had
14 an elementary-school education. And his life was simple but
15 full.

16 Q Okay. What can you tell us about the accident that was
17 described, where he lost his son.

18 A My understanding is that it was a traumatic event,
19 devastating. He was a young boy, and it was an accident that
20 his -- he was burned in a fire. I understand that his parents
21 were present when the boy was injured. And definitely defined
22 their family life, but that eventually, the family was able to
23 achieve some sort of normal normalcy, and that it eventually
24 was functioning again. They were both working. They were
25 still having a social life. They were enjoying the time with

1 their family before the incident of the terrorist attack.

2 Q Okay. And what information did you gather regarding the
3 nature of the terrorist attack and its affect upon
4 Pablo Tirado?

5 A From the Sworn Statement, he describes -- I can read
6 directly from the Sworn Statement it's in Spanish, but I will
7 be translating as --

8 THE COURT: I believe there's an English translation.

9 MR. SAN-JUAN-DeMARTINO: There is.

10 THE COURT: Hold on a minute. Exhibit 46.

11 Q (By Mr. San-Juan-De-Martino) You can use this to find the
12 proper English translation.

13 A Thank you. So I'll start on Number 6 where it says: I
14 asked Pastor Berganzo to watch my luggage while I went to the
15 rest room. As I began to enter the restroom, I heard loud
16 noises that sounded like fireworks. I thought the sounds were
17 part of a celebration of our group's arrival to Israel, as to
18 welcome us to the Holy Land. For a moment, it was exciting.
19 Just then, two women came over to me and told me to stay where
20 I was because there were people with guns shooting people in
21 the airport.

22 As the shooting continues, people were yelling and
23 running around. It was frightening and overwhelming. I
24 couldn't just stand there so I began to run, frantically
25 looking for an exit, but I couldn't find the door. I just knew

1 I had to get out of there. I was very confused and my panic
2 increased every second. As I ran looking for a place to
3 escape, I saw blood everywhere. On the floor, I saw dead
4 bodies and injured people. It was a horrible scene and full of
5 images that I will never forget. And while I was running in
6 all directions, I think I saw the terrorists themselves. But I
7 kept running, looking for a way out. It was too much for me to
8 comprehend at one time.

9 Q Okay.

10 A Basically this detailed description that actually occurs
11 35 years after the attack, describes a scene of horror, panic,
12 blood everywhere, and we subsequently find out that at this
13 scene his friend, Pastor Berganzo, who he had grown close to
14 and who he refers to in his Sworn Statement as a special person
15 to him, had died.

16 Q Okay. What other information did you gather as to the
17 affect upon Pablo Tirado of these events?

18 A Well, from the descriptions of his son and his wife and in
19 his Sworn Statement, his life was defined by that day. It's
20 almost -- it's before the terrorist attack, and after; his life
21 drastically changed in many ways. He never worked again. He
22 became socially isolated, he became withdrawn, depressed, he
23 lost a tremendous amount of weight, his functioning in society
24 was severely compromised; and from the date of -- that I
25 gathered, he never returned to his pre-terrorist attack

1 functioning. So it is my impression that it was devastating in
2 every sense of the word. Economically, in terms of his family,
3 and in his marriage relationship.

4 Q Okay. And how long did this state, this emotional state
5 that you've described, continue into the future after the
6 attack?

7 A It appears to have been very intense for the first few
8 months after the attack. He has a psychiatric hospitalization
9 that lasted approximately 38 days following the terrorist
10 attack. He also mentioned that he received treatment --
11 psychiatric treatment. We don't know exactly the nature of it,
12 whether it was just medication or therapy, or a combination of
13 both. But from the data, it appears that his symptoms never
14 went away completely. So he never fully recovered. He may
15 have had periods of improvement, but he never achieved the
16 element of functioning that he had before the terrorist attack.

17 Q Okay. Now, Doctor, based on all of the information that
18 you gathered about Pablo Tirado, do you have an opinion to a
19 within a reasonable degree of medical certainty as to the
20 psychological diagnosis for Pablo Tirado as a result of his
21 experience in the massacre at Lod Airport?

22 A Yes. From the data evaluated, it is my opinion that he had
23 Post-Traumatic Stress Disorder and Major Depressive Disorder.
24 He meets all the symptoms criteria for those two diagnoses,
25 especially right after attack and throughout his life span.

1 Q Okay. Explain to the Court what is Post-Traumatic Stress
2 Disorder and why he meets the criteria for Post-Traumatic
3 Stress Disorder.

4 THE COURT: DSM-IV TR?

5 THE WITNESS: Yes.

6 I'm going to refer to my report.

7 MR. SAN-JUAN-DeMARTINO: And since you are going to
8 refer to your report, we would like to move it in evidence,
9 your Honor, Dr. Ramos' report; it will be Plaintiff's' Exhibit
10 No. 10.

11 (Document is handed to the Judge for review.)

12 THE COURT: Dr. Ramos' Psychodiagnostic Assessment
13 Report of Pablo Tirado-Ayala is admitted -- oh, "and" Antonia
14 Ramirez-Fiero is admitted as Exhibit 10.

15 (Dr. Ramos' Psychodiagnostic Assessment Report of
16 Pablo Tirado-Ayala and Antonia Ramirez-Fiero is marked and
17 admitted as Exhibit No. 10.)

18 Q (By Mr. San-Juan-De-Martino) Okay. So referring to your
19 report, Doctor, Exhibit 10 --

20 A Yes. Post-Traumatic Stress Disorder, I'll call it PTSD for
21 short. It's an interesting disorder in that it's the only
22 disorder of the DSM-IV TR, which is the diagnostic manual for
23 psychiatrists and psychologists, to -- that includes all the
24 criteria for every disorder that's recognized by the
25 profession. It's the only disorder that actually has the

1 requirement of having a specific event attached to it. All the
2 other disorders don't have this -- this prerequisite. The
3 diagnosis is divided into criteria. They range from Criteria A
4 to F. And the first criteria is -- and I'm quoting directly
5 from the DSM-IV. -- the person has to be exposed to a
6 traumatic event in which both of the following are present:
7 The person experienced, witnessed, or was confronted with an
8 event or events that involved actual or threatened death, death
9 or serious injury, or threat to the physical integrity of self
10 or others. And the second item under Criteria A is the
11 person's response involved intense fear, helplessness, or
12 horror.

13 THE COURT: Doctor, that doesn't have to be right at
14 that moment; correct?

15 THE WITNESS: The event has to be of --

16 THE COURT: No, the response.

17 THE WITNESS: No, the response can be immediate and it
18 can be delayed. Some people develop PTSD symptoms three months
19 after the event, a year after the event, especially if it was
20 triggered by a memory or stimuli.

21 THE COURT: Can we interrupt here a minute. We have
22 the photographer here for the --

23 MR. SAN-JUAN-DeMARTINO: Okay. We can take the --

24 (We are taking a short break so the photographer can
25 take pictures of the Bible, Exhibit No. 47.)

1 THE COURT: All right. Sorry for the interruption,
2 Doctor.

3 Q (By Mr. San-Juan-De-Martino) So, Doctor, you were talking
4 about the event that causes distress. Let me ask you, do we
5 have that sort of an event in this particular case?

6 A Yes, I think this event definitely matches Criteria A. It
7 was horrific, it was frightening, it was unexpected, and there
8 was certainly fear of being injured, people were assassinated,
9 and he witnessed all of it firsthand.

10 Q Okay. What about the other criteria?

11 A Criteria B, in general, the traumatic event is persistent
12 is re-experienced in one or more of the following ways:

13 Recurrent and intrusive distressing recollections of
14 the event, including images, thoughts, or perceptions;

15 Recurrent distressing dreams of the event;

16 Acting or feeling as if the traumatic event were
17 recurring.

18 These are usually called flashbacks.

19 And intense psychological distress at exposure to
20 internal or external cues that symbolize or resemble an aspect
21 of the traumatic event. There's a few paragraphs in his sworn
22 statement that illustrate these symptoms.

23 Q Okay.

24 A Number 20 on his Sworn Statement says: For days and days I
25 was unable to sleep. I had horrible nightmares, and I took

1 medicine prescribed by my doctor to help me sleep. When I was
2 awake, I was very tired. Yet, whether at night in my dreams or
3 when I was awake, all I could think about was the terrorist
4 attack. The images were very real in my mind. Many people
5 came to visit me at my home and tried to comfort me, but I was
6 not able to talk about what I had been through. Having
7 everyone around me made me feel worse. I knew they wanted to
8 help me, but I could not be consoled.

9 He talks about in his Sworn Statement that these
10 images and memories haunted him for the rest of his life. His
11 son describes his father waking up in the middle of the night
12 screaming, and oftentimes they'd be sitting in the living room,
13 and for no apparent reason, he would start crying. Oftentimes,
14 he was unresponsive and did not acknowledge when people were
15 speaking to him. And it's described as being in another world.

16 All these descriptions are consistent with flashbacks,
17 intrusive memories, and re-experiencing that event. And that
18 the re-experiencing of that event caused a significant amount
19 of distress.

20 Q Okay. What about the other criteria?

21 A Criteria C involves persistent avoidance of stimuli
22 associated with the trauma and numbing of general
23 responsiveness not present before the trauma.

24 In this case, he made efforts to avoid thoughts,
25 feelings, or conversations associated with the trauma, there's

1 also efforts to avoid activities, places, or people that arose
2 recollections of the trauma, and there's also diminished
3 interest or participation in significant activities.

4 THE COURT: That would include the fact that he didn't
5 want to work anymore?

6 THE WITNESS: He didn't want to work anymore, he
7 didn't socialize -- The only thing he did was go to church. He
8 didn't go to baseball games anymore, he didn't sing, and he
9 didn't play with his son. So those are all indicative that he
10 had lost interest. He never planned another trip, which is
11 something they enjoyed beforehand. And his family made a
12 conscious effort of avoiding the radio, the television,
13 speaking about the trauma, in order to prevent him from
14 becoming upset. But it also sounds like he made some
15 significant efforts of avoiding the topic because he never
16 brought up the subject himself.

17 Q (By Mr. San-Juan-De-Martino) Let me ask you, Doctor, his
18 family's efforts to avoid the issue, were they helpful to him?
19 From a psychological point of view?

20 A According to the literature, what we know about PTSD is
21 that the avoidance of the trauma usually increases your chances
22 of developing PTSD and increases your chances of not making a
23 full recovery. PTSD treatment usually involves exposure to the
24 trauma. So, for example, if somebody was sexually assaulted on
25 a university campus, treatment suggested would be to talk about

1 the event, to write about the event, to share it with others,
2 to go back to the scene of the crime, to re-experience the
3 trauma, which is counterintuitive because obviously it would be
4 upsetting, but the idea is to work through the trauma so that
5 it becomes part of your history, but you lose the psychological
6 distress associated with the trauma.

7 Q And this is something that Pablo Tirado never did?

8 A To my understanding, no.

9 Q What about the other criteria?

10 A Criteria D is persistent symptoms or increased arousal as
11 indicated by difficulty falling asleep, irritability, or
12 outburst of anger, or difficulty concentrating. These are some
13 of the symptoms that his son observed, that his wife observed.
14 That his personality had changed. That he became short-fused.
15 And the sleep problems are something he talks about in his
16 Sworn Statement as one of those symptoms that was extremely
17 persistent throughout his lifetime.

18 He states: Over the past 35 years, I have continued
19 taking medication for sleep and depression. The sleep issues
20 were never fully resolved, the images never fully went away,
21 and the sadness continues with me today. I cannot express the
22 sadness I feel. I think of the attack often, I have a note,
23 save -- Sorry. I have saved a note written by Pastor Berganzo
24 to help me feel closer to him. I continue to feel terrible
25 when I think about the fact that Pastor died and yet I

1 lived.

2 This quote also brings up a characteristic of PTSD,
3 which is survivor's guilt. From his statement and from talking
4 to his wife and son, he never understood why he survived the
5 attack. He couldn't understand why a pastor, who he considered
6 a very special person, passed away during the attack, and he
7 was allowed to live. And this is -- this survivor guilt
8 continued to confuse him. Because he couldn't understand why
9 he was allowed to live.

10 Q Okay. Now, Doctor, let me ask you this: What role, if
11 any, in your opinion, does the fact that Pablo Tirado had
12 suffered a terrible tragedy eight years before the attack, the
13 loss of his son, what role does that play in your analysis of
14 the PTSD?

15 A Well, the literature suggests if you've had past traumas,
16 you're more susceptible to develop PTSD. The ideology is that
17 your psychological resources are compromised. And the death of
18 a child is a very traumatic event, which most people agree, you
19 never recover from emotionally. So his emotional resources
20 were probably diminished at the time of the terrorist attack.
21 But he was also functioning relatively well at the time of the
22 terrorist attack. He was sharing with family. He was involved
23 in many activities. He had plans for the future. He was
24 working.

25 And what's important about a traumatic event, is that

1 it changes your whole perception of how you view the world. We
2 are brought up to think that good things happen to good people.
3 We live under that assumption; we hope for that assumption to
4 be true. And a traumatic event of this nature where it's a
5 group of people who have intentionally harmed another, this is
6 a little different than natural disaster, where you -- it's
7 kind of a part of life that's uncontrollable, but there's no
8 intention in it, changes all of that. It's the idea that
9 really horrible things can happen to good people. And that
10 changes the way we look at the world and how safe we feel in
11 the world.

12 THE COURT: Doctor, Mr. Ramirez testified that he
13 didn't come home for several weeks because he continued on the
14 trip. How does that affect your opinion?

15 THE WITNESS: Well, it's very likely that he felt that
16 he had a religious obligation to continue with the trip. And
17 he describes that -- that he thought it would make him feel
18 better to -- to visit those holy places and have those places
19 heal him in some way. But he also talks about going back to
20 the airport. And going back to the airport was overwhelming
21 for him. So he may have been able to be distracted. It's
22 probably he was numb after those few days and somewhat in shock
23 and just kept with the journey. He did cut it short. He was
24 supposed to go for 18 days, and he cut it to 12. And then upon
25 seeing the scene of the crime again, the airport, a lot of

1 symptoms came back, and I think that's probably when all this
2 began.

3 Q (By Mr. San-Juan-De-Martino) Okay. So the -- getting back
4 to the occurrence of the tragedy involved with the son, what
5 you're saying is that his emotional resources were diminished
6 as a result of that, and then when he experienced the trauma of
7 the massacre, those emotional resources were --

8 A Depleted.

9 Q -- utterly exhausted --

10 A (The witness moves head up and down.)

11 Q -- so that it made it more different for him to recover --
12 A Yes.

13 Q -- is that correct?

14 A Yes.

15 Q Now, is it possible for somebody to continue to have some
16 degree of Post-Traumatic Stress Disorder 35 years after the
17 stressful events?

18 A Absolutely.

19 Q And you think that's the case with Pablo Tirado?

20 A Yes.

21 Q Okay. Now, let's move to Antonia Ramirez.

22 A Uh-huh.

23 Q What was the history that you gathered from Antonia
24 Ramirez?

25 A She was --

1 THE COURT: Well, wait a minute. Because she
2 indicated, also, that Mr. Tirado suffered from Major Depressive
3 Disorder.

4 MR. SAN-JUAN-DeMARTINO: We can talk about that too.

5 THE COURT: Why don't you finish with Mr. Tirado and
6 then we can go into Ms. Ramirez.

7 MR. SAN-JUAN-DeMARTINO: Sure.

8 Q (By Mr. San-Juan-De-Martino) Tell us a little bit about
9 your diagnosis of Major Depression of Pablo Tirado.

10 A Okay. Major Depression is the presence of five or more
11 of the following symptoms, and it has to be present for at
12 least over a two-week period. And one of the hallmark symptoms
13 is depressed mood and loss of interest or pleasure. In
14 his case he describes depressed mood that was pervasive, he
15 didn't enjoy things anymore, he withdrew from those activities
16 that used to give him pleasure, there's also a significant
17 weight loss that the son reported, and insomnia is another
18 symptom of depression, which is also consistent with his
19 statement, and diminished ability to think or concentrate,
20 described by his unresponsiveness to things that were going on
21 around him.

22 Basically these disorders, both PTSD and Major
23 Depressive Disorder, also require some change in functional
24 impairment -- some changes in function and some impairment, and
25 the well-documented work impairment, social impairment, and

1 impairment in marital relationship.

2 THE COURT: They usually go together?

3 THE WITNESS: Yes. There's a high comorbidity between
4 the two disorders.

5 Q (By Mr. San-Juan-De-Martino) It is your opinion that at
6 the time when Mr. Tirado gave that Sworn Statement he continued
7 to suffer from depression?

8 A Yes.

9 Q Now, is there anything else that you want to add about
10 Pablo Tirado before we move to Antonia Ramirez?

11 A Not at this time.

12 Q I think you've been clear.

13 Tell us about Antonia Ramirez. What is the history that
14 you gathered for her?

15 A Antonia, she has a history of some mental health
16 treatment at the time of her son's death. And she was
17 flown to the United States. I don't know the details of that
18 treatment, but it appears that she did -- did have a history of
19 one major depressive episode before this event. She, from her
20 description, was happily married, in love with her husband,
21 enjoying her life. She talked about him in extremely positive
22 terms. She talked about him being a strong and healthy man, a
23 good provider. He was fun. And she always wanted her marriage
24 to go back to what it used to be. She talks about praying that
25 they could have the kind of marital life they had had before

1 the attack.

2 Q Okay. And what about after the attack?

3 A She describes a significant change. Suddenly, she becomes
4 the sole provider of the family. She describes her role as
5 going from wife to nurse. She says her life was consumed with
6 medical appointments, for him, for herself, she blames a lot of
7 her physical deterioration on the burden of taking care of her
8 husband, and she struggled with depression and anxiety. The
9 Doctor's Patient Summary that what was -- which was one of the
10 documents that I examined, gave her diagnosis of a Depressive
11 Anxious Disorder. I can read from her Sworn Statement, I don't
12 have it in English, to kind of exemplify what her --

13 THE COURT: Exhibit 47, I believe. Exhibit 47.

14 Q (By Mr. San-Juan-De-Martino) Please do so, Doctor.

15 A Reading from Number 12: Like Pablo, I was a strong and
16 healthy person before the terrorist attack. After his return,
17 I was often very nervous and became upset easily. I was very
18 sad. I had health problems that developed because of the
19 stress, strain, and sadness that I felt over my husband's
20 deteriorating condition.

21 Before the attack, I had been a married woman in a
22 stable loving relationship with a fine man. He was a solid
23 provider, and we had a wonderful life. He was the one who took
24 care of me. After the attack, my husband changed, and so did
25 our relationship and my life. I now have to care for him each

1 and every day, often like I nurse, and I have to be strong
2 around him in my attempts to ease his pain. Instead of having
3 a relationship that grew and was filled with more and more
4 happy memories like other happily married couples, ours was
5 constantly affected by Pablo's worsening emotional health
6 problems and our attempts to cope. In many ways, I have to
7 take charge of the household and take on all kinds of
8 responsibilities and tasks that Pablo had carried out before
9 the attack.

10 Before the attack, I would have described us as a
11 couple that was happily looking forward to the years ahead. In
12 addition to seeing friends, Pablo and I enjoyed travel. For
13 example, we'd been to Mexico and enjoyed the experience. After
14 the attack, we never left the Island of Puerto Rico. Pablo
15 spent most days at home and over time socialized with others
16 less and less. We were scared to travel and often cried. Our
17 lives became full of doctors appointments.

18 Q Okay. So based on the information that you gathered about
19 Dona Antonia Ramirez-Fiero, do you have an opinion to a
20 reasonable degree of certainty as to a diagnosis for her from a
21 forensic psychological perspective?

22 A I gave her the Depressive Disorder, Not Otherwise
23 Specified, which is Depressive Disorder, NOS, which basically
24 states that she had depressive symptoms. I couldn't specify
25 with the data that I had what kind of depressive disorder she

1 had, but definitely there were depressive conditions combined
2 with some sort of impairment in her functioning.

3 Q Okay. And do you believe those depressive symptoms are --
4 in your opinion, are they related to the occurrence of the
5 terrorist attack at Lod Airport?

6 A They began at that time.

7 Q Okay.

8 A It's also --

9 THE COURT: Doctor, you mentioned that she had had a
10 depressive incident before the incident.

11 THE WITNESS: Related to --

12 THE COURT: The son.

13 THE WITNESS: -- the son.

14 THE COURT: So there's a higher percentage of -- if
15 you had one depressive episode to have a second?

16 THE WITNESS: The chances are 50 percent, if you have
17 one depressive episode that you will have a second one.

18 THE COURT: Is there a function of time there, also?
19 Or is it -- you can have one twenty years ago, and you still
20 have a 50 percent chance of having one now?

21 THE WITNESS: I think it -- it's the closer in time,
22 obviously, also increases the chances that you will have more
23 than one episode, which would be recurrent depression. But in
24 her case, it's more likely linked to circumstances that she
25 probably wouldn't have had many instances of depression had

1 these incidents not occurred.

2 THE COURT: Thank you.

3 THE WITNESS: It's also important to remember that
4 she -- although she wasn't there for the attack, she had 12
5 days of agony where she had no contact with her husband,
6 she couldn't speak to him on the phone, she knew he was alive,
7 she knew he was also injured, she had no idea what state he
8 was in. Because he had had some minor injuries to his foot
9 that he didn't -- he didn't ask for medical attention. He
10 thought that there were other people more deserving of it.
11 But he had injuries to his foot, which was the pain he
12 complained about for the rest of his life. And during that
13 time period, she describes as just an overwhelming anxiety and
14 worry that -- that what shape he was going to come into and
15 she didn't really believe he was okay until she saw him at the
16 airport.

17 When I talked to her I asked, Why don't you think you
18 guys didn't travel again? And she talked about her fear. Her
19 fear about going to an airport, and that she was never willing
20 to step on an air- -- an airport again. So even though she
21 doesn't meet full criteria of PTSD, she does have some symptoms
22 of trauma.

23 Q (By Mr. San-Juan-De-Martino) Okay. And, Doctor, it is
24 your opinion that at the time you spoke to her, recently in
25 November, just before Thanksgiving, that she continued to

1 suffer from Depressive Disorder?

2 A She cried throughout the whole interview.

3 MR. SAN-JUAN-DeMARTINO: That's all I have of the
4 Doctor, your Honor.

5 THE COURT: Doctor, could you explain, both for
6 Mr. Tirado and Mrs. Ramirez, your GAF scale.

7 THE WITNESS: Yes.

8 THE COURT: The Global Assessment of Functioning
9 Scale. For Mr. Tirado, you gave him a GAF of 30.

10 THE WITNESS: Yes. That is in present time based on
11 my assessment of seeing him. The GAF is a scale of functioning
12 that goes from -- looking it up in my book. -- it goes from
13 zero to a hundred. A hundred being superior functioning in a
14 wide range of activities, life's problems never seem to get out
15 of hand, no symptoms basically.

16 THE COURT: And is there anybody who reaches a hundred
17 in the world?

18 THE WITNESS: I've never given a hundred. I've never
19 met anyone with a hundred.

20 And 30 is behavior that is serious impairment in
21 communication or judgment or inability to function in almost
22 all areas. He's bed-ridden, he's blind, he can't speak, he's
23 suffering from Alzheimer's, so that's why I gave him a 30.

24 I gave his wife a 50 where it's serious symptoms and
25 some serious impairment because she was not entirely lucid.

1 She had difficulty understanding my questions at times. She
2 was very fragile, not only physically but emotionally.

3 THE COURT: But that's your impression of them when
4 you saw them?

5 THE WITNESS: Yes, two weeks ago. Three weeks
6 ago.

7 THE COURT: Okay. Anything else?

8 MR. SAN-JUAN-DeMARTINO: I have no further questions,
9 your Honor.

10 Thank you very much, Doctor.

11 THE COURT: Thank you, Doctor, you're excused.

12 MR. SAN-JUAN-DeMARTINO: Your Honor, we're just about
13 ready to rest. If I may have a moment to confer with my
14 co-counsel.

15 THE COURT: Of course.

16 Do you -- Why don't we take a ten-minute break and you
17 can confer and then we'll come back and --

18 MR. SAN-JUAN-DeMARTINO: Very well. Very well.

19 COURT SECURITY OFFICER: All rise.

20 (A break is taken from 4:13 p.m. until 4:40 p.m.; at
21 which time, the proceedings continue as follows:)

22 THE COURT: Please be seated.

23 MR. SAN-JUAN-DeMARTINO: Your Honor, may it please the
24 Court. Manuel San-Juan-DeMartino on behalf of the Plaintiffs,
25 we have the certified translation of Exhibit 11, so --

1 THE COURT: Please add it to the exhibit.

2 We have the photos of the Bible.

3 MR. SAN-JUAN-DeMARTINO: That's correct, your Honor.

4 They turned out really well.

5 THE COURT: So we'll mark those as exhibit -- what was
6 it?

7 MR. SAN-JUAN-DeMARTINO: I believe 66.

8 THE COURTROOM DEPUTY CLERK: No. 57.

9 THE COURT: 57.

10 MR. SAN-JUAN-DeMARTINO: I'm sorry.

11 THE COURT: All right. Anything else, Mr. San-Juan?

12 MR. SAN-JUAN-DeMARTINO: Your Honor, at this time, the
13 Plaintiffs rest.

14 THE COURT: All right. Thank you very much.

15 Any other exhibits that you want to present?

16 MR. SAN-JUAN-DeMARTINO: Not at this time, your Honor.
17 There is one possible exhibit we are still working on locating,
18 and that is what I called a report of U.S. Citizens Death
19 Aboard for Carmelo Cardona-Molina, not obtained from the State
20 Department. If we do, we will supplement the report
21 accordingly.

22 THE COURT: What I need from you, Mr. San-Juan,
23 Mr. Tolchin, is to provide me with Proposed Finding of Facts
24 and Conclusions of Law.

25 MR. SAN-JUAN-DeMARTINO: We shall, your Honor.

1 THE COURT: And would you please include in that
2 the -- everything having to do with jurisdiction and the
3 statute of limitations.

4 MR. SAN-JUAN-DeMARTINO: Absolutely.

5 THE COURT: I know that you addressed those issues in
6 the Pretrial Memorandum, but I would like for you to address
7 them as part of the Proposed Findings of Facts and Conclusions
8 of Law.

9 MR. SAN-JUAN-DeMARTINO: Absolutely.

10 THE COURT: How long do you need for this?

11 MR. SAN-JUAN-DeMARTINO: I've been advised by the
12 court reporter, due to the amount of work that she is currently
13 handing in to the Court, has before it, it will be at least 45
14 days before she's able to provide us with the transcript, so we
15 would request 90 days from today to be able to submit our
16 Proposed Findings of Fact and Conclusions of Law.

17 THE COURT: All right. That's fine. If the 90th day
18 is nearing and you need more time, let me know.

19 MR. SAN-JUAN-DeMARTINO: We will, your Honor.

20 THE COURT: Thank you very much.

21 MR. SAN-JUAN-DeMARTINO: Thank you, your Honor.

22 And on behalf of my clients, on behalf of my
23 co-counsel from Israel, we want to thank the Court for its
24 patience and say that it was indeed a pleasure to appear before
25 you during these proceedings.

1 THE COURT: Thank you very much.

2 COURT SECURITY OFFICER: All rise.

3

4 WHICH WAS ALL THE EVIDENCE ADDUCED AT THIS CAUSE.

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6 (The hearing of this cause concluded at 4:42 p.m.,
on December 3, 2009.)

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R E P O R T E R ' S C E R T I F I C A T E

2 UNITED STATES DISTRICT COURT)
3) ss.
 OF PUERTO RICO)

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5 I, **ROLAYNE M. VOLPE**, Certified Court Reporter, CCR, and
6 Registered Professional Reporter, RPR, do hereby certify that
7 the transcript of the foregoing proceedings accurately reflects
8 the events that occurred before me to the best of my ability at
9 the time and place set out on the caption hereto, the witnesses
10 having been duly cautioned and sworn, or affirmed, to tell the
11 truth, the whole truth, and nothing but the truth.

12 I FURTHER CERTIFY that I am neither counsel for, related
13 to, nor employed by any of the parties to the action in which
14 these proceedings were taken or to any attorney or counsel
15 employed by the parties hereto, nor financially interested,
16 directly or indirectly, in the outcome of this action.

17 CERTIFIED AND SIGNED on this 28th day of March, 2010.

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S/: Rolayne M. Volpe
ROLAYNE M. VOLPE, CCR, RPR
Certified Court Reporter and
Registered Professional Reporter